

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION

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

VOLUME 1



Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally
Passed During the First Regular Session of the 128th Maine Legislature

First Regular Session convened Wednesday, December 7, 2016
First Regular Session adjourned sine die Wednesday, August 2, 2017

Senate Legislative Days.....70
House Legislative Days.....70
Bills Considered.....1646

THE MAINE LEGISLATIVE COUNCIL

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AUGUST 2017

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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

128TH 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 128th Maine Legislature.

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

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

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. 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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Joint Standing Committee on Energy, Utilities and Technology

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Joint Standing Committee on Judiciary

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

Joint Select Committee on Marijuana Legalization Implementation

Joint Standing Committee on Marine Resources

Joint Standing Committee on State and Local Government

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2017

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Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 7 An Act To Allow Conveyance of Land Previously Conveyed by the State
to the Town of Bridgton**

PUBLIC 18

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

This bill gives the Town of Bridgton the ability to convey nonwaterfront portions of a piece of property held for public use if the town determines the portion to be conveyed has no identifiable public use. It also requires that all revenues received by the town from the conveyance of the nonwaterfront properties be held in a trust fund for parks and recreational purposes.

Enacted Law Summary

Public Law 2017, chapter 18 gives the Town of Bridgton the ability to convey nonwaterfront portions of a piece of property held for public use if the town determines the portion to be conveyed has no identifiable public use. It also requires that all revenues received by the town from the conveyance of the nonwaterfront properties be held in a trust fund for parks and recreational purposes.

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

CARRIED OVER

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

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

Committee Amendment "A" (H-451)

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

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

The amendment also adds an appropriations and allocations section.

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 124 An Act To Make Changes to the Potato Marketing Improvement Fund

PUBLIC 6

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

This bill increases the total amounts the State may loan from the Potato Marketing Improvement Fund from 45% of project cost to 55% of project cost for projects that cost more than \$50,000 but less than \$150,000. Loans for projects of \$50,000 and under remain unchanged at 55% and loans for projects that exceed \$150,000 remain unchanged at 45%.

Enacted Law Summary

Public Law 2017, chapter 6 increases the total amounts the State may loan from the Potato Marketing Improvement Fund from 45% of project cost to 55% of project cost for projects that cost more than \$50,000 but less than \$150,000. Loans for projects of \$50,000 and under remain unchanged at 55% and loans for projects that exceed \$150,000 remain unchanged at 45%.

LD 128 An Act To Prohibit Foraging on Private Land without Permission

Accepted Majority (ONTP) Report

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

This bill requires anyone harvesting edible wild food to have written permission or a bill of sale from the landowner before harvesting or transporting. The permission requirements and enforcement provisions of this bill are the same as currently exist in Maine law for commercial harvesting of Christmas trees and boughs for wreaths. The bill also authorizes the Department of Health and Human Services to decline to certify or to revoke the certification under the Maine Wild Mushroom Harvesting Certification Program of any person found in violation of the prohibition.

Committee Amendment "A" (S-48)

This amendment is the minority report. It replaces the bill and specifies that the Department of Health and Human Services may decline to certify or may revoke the certification of any person whom the department finds to be selling mushrooms harvested on the land of another without securing written permission or a bill of sale from the owner of the land or the owner's authorized agent.

This amendment was not adopted.

LD 151 Resolve, To Authorize the Transfer of State-owned Property to the Town of St. Agatha

ONTP

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

Joint Standing Committee on Agriculture, Conservation and Forestry

This resolve gives the Commissioner of Administrative and Financial Services authority to sell for \$1 to the Town of St. Agatha the property now or formerly occupied by the Department of Agriculture, Conservation and Forestry, Maine Forest Service located at 655 Main Street, St. Agatha.

LD 157 An Act To Require the Reporting of Animal Cruelty or Neglect ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHANSEN C ROSEN K	ONTP	

This bill requires a licensed veterinarian to report to the Commissioner of Agriculture, Conservation and Forestry when the veterinarian has reasonable cause to suspect that an animal is the subject of cruelty or neglect. Current law requires a licensed veterinarian to report only when there is suspicion of aggravated cruelty.

LD 159 An Act To Prohibit the Mining of Massive Sulfide Ore Deposits on State Lands Accepted Majority (ONTP) Report

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

This bill amends the laws regarding mining on state lands to prohibit the issuance of a mining lease that authorizes the mining of a massive sulfide ore deposit located on state lands. The bill defines a "massive sulfide ore deposit" as a metal sulfide ore deposit that, as determined by the Maine Geological Survey, contains in total 1,000,000 tons or more of metallic minerals.

Committee Amendment "A" (H-528)

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

This amendment was not adopted.

LD 167 An Act To Fund Animal Control Officers and Animal Shelters ONTP

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

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

This bill proposes to find sources of revenue to fund animal control officers under the Maine Revised Statutes, Title 7, section 3947 and animal shelters under Title 7, section 3949.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 173 An Act To Reduce Food Insecurity

CARRIED OVER

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

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

Committee Amendment "A" (H-121)

This amendment reduces the appropriation in the bill allowing the Department of Agriculture, Conservation and Forestry to contract with the Good Shepherd Food Bank or a successor organization for statewide hunger relief services.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

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

CARRIED OVER

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

This bill restricts the use of pesticides on school grounds. It allows their use only in situations that pose a health threat to a student or staff member, in response to the presence of animals or insects identified as a public health nuisance or on agricultural fields in accordance with the manufacturer's instructions. It permits their use on athletic fields when determined necessary by the school for the health and safety of the field and students. It requires the Commissioner of Education to adopt rules to implement landscaping design that minimizes or avoids the necessity of the use of pesticides on school grounds for new construction of school facilities.

Committee Amendment "A" (H-374)

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

The fiscal note on the amendment identifies certain requirements in this amendment as a potential state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds the provisions identified as a potential mandate do not require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue.

The requirement in the amendment that a school submit a copy of its pest management activity log, which is already required by rule to be maintained, does not require an expansion or modification of activities so as to necessitate additional expenditures from local revenue. The committee does not feel that the act of submitting once per year a

Joint Standing Committee on Agriculture, Conservation and Forestry

pest management activity log that is already required to be maintained constitutes additional expenditures from local revenue.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 175 An Act Regarding the Regulation of Rabbit Production for Local Consumption Died Between Houses

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

This bill permits a rabbit producer to sell rabbit products without inspection at the farm on which the rabbits were raised, at farmers' markets, by delivery to consumers' homes, to members of community-supported agriculture farms with which the rabbit producer has a direct marketing relationship, to locally owned grocery stores and to locally owned restaurants, as long as the farm slaughters fewer than 1,000 rabbits annually.

LD 244 An Act To Clarify the Use of State Lands Designated for Conservation or Recreation Purposes ONTP

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

This bill clarifies that, for the purposes of the Constitution of Maine, Article IX, Section 23, the use of designated lands for the mining of minerals constitutes a substantial alteration in use. Article IX, Section 23 provides that "state park land, public lots or other real estate held by the State for conservation or recreation purposes and designated by legislation implementing this section may not be reduced or its uses substantially altered except on the vote of 2/3 of all the members elected to each House."

LD 245 An Act To Repeal the Affirmative Defense for Cruelty to Animals ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B GRATWICK G	ONTP	

This bill repeals the provisions of law that establish an affirmative defense for certain violations under the animal welfare laws that the animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Conservation and Forestry.

LD 246 An Act To Provide for the Adoption of Cats and Dogs Previously Used for Research Purposes ONTP

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

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill requires research facilities that receive public funding to offer for adoption cats and dogs used for science, testing, education or research purposes when the cats and dogs are no longer needed for those purposes instead of euthanizing them. Adoption of the cats and dogs may be through an animal shelter, animal rescue organization or private placement.

LD 396 An Act To Prohibit the Use of Elephants in Traveling Animal Acts

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN K VITELLI E	ONTP OTP-AM	

This bill prohibits the use of elephants as performers in traveling animal acts, effective January 1, 2018.

Committee Amendment "A" (H-122)

This amendment replaces the bill and is the minority report of the committee. It prohibits the Commissioner of Inland Fisheries and Wildlife from issuing a permit to a person to import or possess an elephant in the State unless the elephant will be placed in a protective environment in which it will have the opportunity to behave as naturally as possible. A person importing or possessing an elephant may not allow the elephant to participate in any exhibition, public showing, presentation, display, exposition, fair, animal act, amusement show, circus, trade show, petting zoo, carnival, parade, race or similar undertaking in which the elephant is required to perform tricks, give rides or participate as accompaniment for the entertainment or amusement or for the benefit of an audience.

The amendment also provides an exception for elephant importations through January 1, 2020, for a person that imports an elephant to participate in a traveling circus to raise funds for a charity if that traveling circus lawfully operated in the State with an elephant to raise funds for a charity in 2016 and as long as the elephant is not permitted to remain in the State after January 1, 2020, unless it is in a protective environment in which it will have the opportunity to behave as naturally as possible.

This amendment was not adopted.

LD 414 An Act To Create the Maine Forest Resources Council

**Leave to Withdraw
Pursuant to Joint
Rule**

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

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

This bill proposes to create the Maine Forest Resources Council.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 418 An Act To Educate the Public on the Proper Use of Pesticides and To Promote Integrated Pest Management Using Existing Resources

Leave to Withdraw Pursuant to Joint Rule

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

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

This bill proposes to require that the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control educate the public on the proper use of pesticides and promote integrated pest management using funds that have already been appropriated to the board.

LD 430 An Act To Amend the Exemption for Highway Contractors and Subcontractors under the Arborist Licensing Laws

ONTP

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

Currently, highway contractors and subcontractors who remove trees during the performance of contracts for the construction or maintenance of highways are exempt from the laws governing arborists. This bill provides that those contractors and subcontractors must remain on the ground when removing trees to be exempt from those laws.

LD 508 An Act Regarding Restrictions on the Purchase of Certain Animals

PUBLIC 131

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	S-93

Current law prohibits a person from selling, displaying, raffling, giving away or offering for sale to the public any live fowl, turtles or rabbits under eight weeks of age in lots of less than six. This bill limits that prohibition to the period beginning six weeks before Easter Sunday and ending six weeks after Easter Sunday.

Committee Amendment "A" (S-93)

This amendment removes the changes made to current law by the bill and instead prohibits a person from selling, displaying, raffling, giving away or offering for sale to the public any live fowl, turtles or rabbits under eight weeks of age in lots of less than two.

Enacted Law Summary

Public Law 2017, chapter 131 prohibits a person from selling, displaying, raffling, giving away or offering for sale to the public any live fowl, turtles or rabbits under eight weeks of age in lots of less than two.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 519 An Act To Allow the Storage of Tents, Campers, Trailers and Other
Devices Used for Camping in Campgrounds in the Unorganized
Townships**

PUBLIC 236

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	OTP-AM	H-375

This bill clarifies that occupancy in the definition of "transient occupancy" for the unorganized territories is determined by the length of time a person is present and allows the storage of unoccupied camping devices such as tents, tent trailers, pickup campers, recreational vehicles and trailers at campgrounds or campsites in reserved camping spaces.

Committee Amendment "A" (H-375)

This amendment replaces the bill and changes the title. The amendment provides that the Maine Land Use Planning Commission may not limit the number of days a person may store an unoccupied camping device at a lawfully existing camping location within a campground permitted by the commission or a campground that lawfully existed at the time of district regulation and does not currently conform to district regulations.

Enacted Law Summary

Public Law 2017, chapter 236 provides that the Maine Land Use Planning Commission may not limit the number of days a person may store an unoccupied camping device at a lawfully existing camping location within a campground permitted by the commission, or a campground that lawfully existed at the time of district regulation and does not currently conform to district regulations.

LD 548 An Act To Amend Laws Relating to Agricultural Pulling Events

PUBLIC 207

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R DILL J	OTP-AM	H-458

This bill adds to the law regarding pulling events the requirement that an animal entered in a pulling event must have either an ear tag or a microchip implant for identification purposes.

The bill also removes references to trainers in regards to pulling events. It requires the Commissioner of Agriculture, Conservation and Forestry to impose a two-year suspension from competition for a person found to have used a prohibited substance with respect to an animal at a pulling event. It requires the commissioner to impose a full one-year suspension from competition for the animal found to have a prohibited substance in its system at the time of the pulling event. Currently, the commissioner may impose a suspension of less than two years.

Committee Amendment "A" (H-458)

This amendment:

1. Adds a definition of "driver" to the laws governing agricultural fairs and pulling events and replaces the term "teamster" with "driver" in those laws;
2. Allows a pull superintendent to visually examine an animal in an event and to request a veterinarian to undertake a more thorough examination when appropriate;

Joint Standing Committee on Agriculture, Conservation and Forestry

3. Provides that the driver is responsible, along with the owner, for an animal's condition, including whether it has been administered a prohibited substance; and
4. Increases the penalties for a driver or owner found to be in violation of the laws governing prohibited substances in an animal competing in a pulling event from a full two-year suspension in the bill to two years for a first offense, three years for a second offense and five years for third and subsequent offenses.

Enacted Law Summary

Public Law 2017, chapter 207:

1. Adds to the law regarding pulling events the requirement that an animal entered in a pulling event must have either an ear tag or a microchip implant for identification purposes;
2. Removes references to trainers in regards to pulling events;
3. Adds a definition of "driver" to the laws governing agricultural fairs and pulling events and replaces the term "teamster" with "driver" in those laws;
4. Increases the penalties for a driver or owner found to be in violation of the laws governing prohibited substances in an animal competing in a pulling event to two years for a first offense, three years for a second offense and five years for third and subsequent offenses, and requires the Commissioner of Agriculture, Conservation and Forestry to impose a full one-year suspension from competition for the animal found to have a prohibited substance in its system at the time of the pulling event;
5. Allows a pull superintendent to visually examine an animal in an event and to request a veterinarian to undertake a more thorough examination when appropriate; and
6. Provides that the driver is responsible, along with the owner, for an animal's condition, including whether it has been administered a prohibited substance.

LD 549 An Act To Recognize Preexisting Land Uses

PUBLIC 89

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANINGTON S	OTP-AM	H-167

This bill prohibits the Maine Land Use Planning Commission from requiring proof that preexisting, grandfathered nonconforming land uses were in legal existence for more than 20 years.

Committee Amendment "A" (H-167)

This amendment replaces the bill and provides that if a person demonstrates that a use or structure that does not conform with Maine Land Use Planning Commission district standards has existed for at least 30 years, there is a rebuttable presumption that the use or structure is a nonconforming use or nonconforming structure, which is a use or structure that lawfully existed when district regulations were adopted but that does not currently conform.

Enacted Law Summary

Public Law 2017, chapter 89 provides that if a person demonstrates that a use or structure that does not conform with Maine Land Use Planning Commission district standards has existed for at least 30 years, there is a rebuttable presumption that the use or structure is a nonconforming use or nonconforming structure, which is a use or structure that lawfully existed when district regulations were adopted but that does not currently conform.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 586 An Act To Implement the Recommendations of the Commission To
Study the Public Reserved Lands Management Fund**

**PUBLIC 289
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM	S-202 H-517 BLACK R

This bill implements the recommendations of the Commission To Study the Public Reserved Lands Management Fund.

The bill establishes additional guidelines that must be followed by the Department of Agriculture, Conservation and Forestry before it may adopt any rule that would make changes to the annual allowable harvesting level for public reserved lands and nonreserved public lands. The bill directs the department to conduct a detailed forest inventory of the State's public reserved lands and nonreserved public lands by March 15, 2018 and every five years thereafter.

The bill prohibits any expenditures from the Public Reserved Lands Management Fund other than for the general operations of the Bureau of Parks and Lands within the department with respect to management of public reserved lands, unless the fund has at least \$2,500,000 at the start of the fiscal year. The bill requires the bureau's annual report dealing with public reserved lands to include a breakdown of growth based on the most recent physical forest inventory and of harvest in each region of any public reserved lands units established by the bureau, identifying any harvesting that occurred during the preceding fiscal year in individual management units where harvest exceeds annual growth.

The bill directs the bureau to establish an educational grant program to provide one-time grants to eligible public secondary and postsecondary institutions for educational programs related to logging. Funding for the grants comes from the Public Reserved Lands Management Fund.

The bill directs the bureau to identify areas where the State does not currently have deeded access to the State's public reserved lands. The bill also requires the bureau to direct regional foresters in the bureau who are familiar with the physical landscape and landowners to develop goals and priorities regarding increased access to the State's public reserved lands and requires the bureau to submit their findings to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2019.

The bill directs the bureau to develop a statewide priority list of recreational infrastructure projects for the State's public reserved lands and a statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands. The priority lists must be presented to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2019. After receipt of the lists, the joint standing committee is required to hold a meeting for the purpose of obtaining public input related to the lists.

Finally, the bill directs the bureau to review its bid process for timber harvesting and road construction projects, including any liability concerns related to the bid process. The bureau is directed to report to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters with any recommended changes to the bid process by March 15, 2018. The bill also provides allocations for educational grants, infrastructure projects and a detailed forest inventory.

Committee Amendment "A" (S-202)

This amendment:

1. Changes the date in the bill that a detailed forest inventory of the State's public reserved lands and nonreserved public lands must be conducted by from March 15, 2018 to March 15, 2021 and keeps the requirement that an

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inventory must be done every five years thereafter;

2. Reenacts a provision of law regarding expenditures from the Public Reserved Lands Management Fund in the statute governing revenue from public reserved lands that states that money may not be expended without allocation by the Legislature. The allocations must be approved by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;

3. Adds a list and description of roads built and roads maintained in the preceding fiscal year and a list and description of roads to be built and roads to be maintained in the succeeding fiscal year to the items that must be included in the annual report dealing with public reserved lands submitted by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands;

4. Adds forestry to the programs eligible to receive funding under the educational grant program established in the bill;

5. Adds career and technical education programs to the types of programs that are eligible to apply for an educational grant related to logging and forestry;

6. Removes language specifying that educational grants are only one-time grants, specifies that those grants may be given to an approved eligible educational program if funds are available, and provides that the total distributions from the Public Reserved Lands Management Fund under the grant program may not exceed \$300,000 in the state budget biennium; and

7. Requires the joint standing committee of the Legislature having jurisdiction over public reserved lands matters, after public input, to rank the statewide priority list of recreational infrastructure projects for the State's public reserved lands and the statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands submitted by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands and to make recommendations, if funding is available, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs for funding projects.

This amendment adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-517)

This amendment changes the emergency preamble to specify that road building for fiscal year 2017-18 begins July 1, 2017 and that clarity with regard to funding for that road building needs to be provided immediately. The amendment also makes the following changes to expenditures from the Public Reserved Lands Management Fund:

1. It provides that money in the Public Reserved Lands Management Fund may not be expended in excess of or in any manner inconsistent with the legislative allocation of the fund by the Legislature;

2. It provides that the joint standing committee of the Legislature having jurisdiction over public lands matters, referred to as "the jurisdictional committee," must review all allocations or subdivisions of allocations from the fund;

3. It provides that before January 15th of each odd-numbered year, the Commissioner of Agriculture, Conservation and Forestry must submit to the jurisdictional committee a detailed proposed budget for expenditures from the fund for the budgetary biennium. Before January 15th of each even-numbered year, the commissioner must submit to the jurisdictional committee a detailed budget for any proposed modifications to the legislative allocations of the fund during the remainder of the budgetary biennium; and

4. It provides that, after receiving a budget submission, the jurisdictional committee must review the proposed budget or budget modification and must determine the appropriate allocations or modifications of existing

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allocations of the fund. The jurisdictional committee must submit its recommended allocations or modifications to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, which must include those recommended allocations or modifications of allocations in an appropriate biennial budget or supplemental budget bill.

Enacted Law Summary

Public Law 2017, chapter 289 does the following:

1. Establishes additional guidelines that must be followed by the Department of Agriculture, Conservation and Forestry before it may adopt any rule that would make changes to the annual allowable harvesting level for public reserved lands and nonreserved public lands. Public Law 2017, chapter 289 directs the department to conduct a detailed forest inventory of the State's public reserved lands and nonreserved public lands by March 15, 2021 and every five years thereafter;
2. Prohibits any expenditures from the Public Reserved Lands Management Fund other than for the general operations of the Bureau of Parks and Lands within the department with respect to management of public reserved lands, unless the fund has at least \$2,500,000 at the start of the fiscal year. Money in the Public Reserved Lands Management Fund may not be expended in excess of or in any manner inconsistent with the legislative allocation of the fund by the Legislature;
3. Requires the annual report dealing with public reserved lands submitted by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to include a breakdown of growth based on the most recent physical forest inventory and of harvest in each region of any public reserved lands units established by the bureau, identifying any harvesting that occurred during the preceding fiscal year in individual management units where harvest exceeds annual growth. Public Law 2017, chapter 289 also adds a list and description of roads built and roads maintained in the preceding fiscal year and a list and description of roads to be built and roads to be maintained in the succeeding fiscal year to the items that must be included in the annual report dealing with public reserved lands submitted by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands;
4. Directs the bureau to establish an educational grant program to provide grants to approved eligible career and technical education programs, and public secondary and postsecondary institutions, if funds are available, for educational programs related to logging and forestry. Total distributions from the Public Reserved Lands Management Fund under the grant program may not exceed \$300,000 in the state budget biennium;
5. Directs the bureau to identify areas where the State does not currently have deeded access to the State's public reserved lands. Public Law 2017, chapter 289 requires the bureau to direct regional foresters in the bureau who are familiar with the physical landscape and landowners to develop goals and priorities regarding increased access to the State's public reserved lands and requires the bureau to submit their findings to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2019;
6. Directs the bureau to develop a statewide priority list of recreational infrastructure projects for the State's public reserved lands and a statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands. The priority lists must be presented to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2019. After receipt of the lists, the joint standing committee is required to hold a meeting for the purpose of obtaining public input related to the lists. Public Law 2017, chapter 289 requires the joint standing committee of the Legislature having jurisdiction over public reserved lands matters, after public input, to rank the statewide priority list of recreational infrastructure projects for the State's public reserved lands and the statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands submitted by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands and to make recommendations, if funding is available, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs for funding projects;

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7. Directs the bureau to review its bid process for timber harvesting and road construction projects, including any liability concerns related to the bid process. The bureau is directed to report to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters with any recommended changes to the bid process by March 15, 2018;

8. Reenacts a provision of law regarding expenditures from the Public Reserved Lands Management Fund in the statute governing revenue from public reserved lands that states that money may not be expended without allocation by the Legislature. The allocations must be approved by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;

9. Provides that the joint standing committee of the Legislature having jurisdiction over public lands matters, referred to as "the jurisdictional committee," must review all allocations or subdivisions of allocations from the fund;

10. Provides that before January 15th of each odd-numbered year, the Commissioner of Agriculture, Conservation and Forestry must submit to the jurisdictional committee a detailed proposed budget for expenditures from the fund for the budgetary biennium. Before January 15th of each even-numbered year, the commissioner must submit to the jurisdictional committee a detailed budget for any proposed modifications to the legislative allocations of the fund during the remainder of the budgetary biennium; and

11. Provides that, after receiving a budget submission, the jurisdictional committee must review the proposed budget or budget modification and must determine the appropriate allocations or modifications of existing allocations of the fund. The jurisdictional committee must submit its recommended allocations or modifications to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, which must include those recommended allocations or modifications of allocations in an appropriate biennial budget or supplemental budget bill.

Public Law 2017, chapter 289 was enacted as an emergency measure effective July 20, 2017.

LD 594 An Act To Modify the Definition of "General Use Pesticide"

PUBLIC 59

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

This bill amends the definition of "general use pesticide" in the laws governing the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control by removing reference to pesticides registered by the United States Environmental Protection Agency and adding reference to pesticides registered by the board.

Enacted Law Summary

Public Law 2017, chapter 59 amends the definition of "general use pesticide" in the laws governing the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control by removing reference to pesticides registered by the United States Environmental Protection Agency and adding reference to pesticides registered by the board.

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LD 637 An Act To Protect Maine's Lands

CARRIED OVER

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 653 Resolve, To Establish a Working Group To Propose Changes to the Animal Welfare Laws

ONTP

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

This resolve requires the Department of Agriculture, Conservation and Forestry to convene a working group of interested stakeholders to propose changes to the animal welfare laws and rules and submit a report to the Joint Standing Committee on Agriculture, Conservation and Forestry. The joint standing committee may report out a bill concerning the report to the Second Regular Session of the 128th Legislature.

LD 662 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Work with All-terrain Vehicle Clubs To Develop All-terrain Vehicle Trails in Northern Maine

ONTP

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

This resolve directs the Department of Agriculture, Conservation and Forestry to work with all-terrain vehicle clubs to develop all-terrain vehicle trails in northern Maine.

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

CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 835 An Act To Promote Small Diversified Farms and Small Food Producers Veto Sustained

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

This bill facilitates direct sales between Maine farmers and consumers. It allows persons preparing food in their own homes to sell directly to consumers or to offer homemade food at certain events without being licensed as food establishments.

LD 856 An Act To Extend the Germination Testing Period for Cool-weather Lawn and Turf Seed from 9 to 15 Months PUBLIC 57

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

This bill extends from nine months to 15 months the time within which the percentage of germination test described under the Maine Revised Statutes, Title 7, section 1043 must have been performed on cool-weather lawn and turf seed in order for that seed to be sold. "Cool-weather lawn and turf seed" is defined to include Kentucky bluegrass, red fescue, Chewing's fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bentgrass and creeping bentgrass.

Enacted Law Summary

Public Law 2017, chapter 57 extends from nine months to 15 months the time within which the percentage of germination test described under the Maine Revised Statutes, Title 7, section 1043 must have been performed on cool-weather lawn and turf seed in order for that seed to be sold. "Cool-weather lawn and turf seed" is defined to include Kentucky bluegrass, red fescue, Chewing's fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bentgrass and creeping bentgrass.

LD 857 An Act To Amend the Laws Governing Slaughter and Inspection of Livestock ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITE D SAVIELLO T	ONTP	

Current law permits certain unlicensed slaughterers, processors and producers to register to engage in intrastate commerce to buy, sell, prepare, process, pack, store, transport and handle meat and meat food products. This bill includes livestock producers who are located in Aroostook County under that law and requires the Commissioner of Agriculture, Conservation and Forestry to adopt rules to establish the registration process and to inspect livestock producers at their locations.

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LD 858 An Act To Strengthen the Law Regarding Dangerous Dogs CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 893 An Act To Improve and Protect Maine Organic Milk Producers ONTP

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

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

This bill proposes to develop procedures to establish a mediation process between organic milk producers in the State and auditors who perform organic certification under the United States Department of Agriculture, Agricultural Marketing Service.

LD 939 An Act To Protect Maine's Agriculture CARRIED OVER

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

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

This bill proposes to protect Maine's agriculture.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 982 An Act To Protect Abused or Neglected Animals ONTP

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

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This bill authorizes nonprofit, licensed animal shelters to apply for authorization to take possession of abandoned or cruelly treated animals or to cause these animals to be disposed of humanely.

LD 993 An Act To Protect Pollinators from Neonicotinoid Pesticides ONTP

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

This bill requires that any seed, plant material, nursery stock, annual plant, bedding plant or other plant sold at retail in the State that has been treated with a neonicotinoid pesticide bear a label, or be placed in close proximity to a sign, that notifies the consumer that the product has been treated with a neonicotinoid pesticide and that such pesticides have been found to harm nontarget organisms, including bees and other pollinators. The bill also implements a prohibition, effective January 1, 2018, on the retail sale of neonicotinoid pesticides by persons that do not also sell a restricted use pesticide and implements a prohibition, also effective January 1, 2018, on the use of a neonicotinoid pesticide, with exceptions for certified applicators, farmers and licensed veterinarians.

LD 1028 An Act To Improve Soil Quality and Profits for Maine Farms ONTP

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

This bill directs the Department of Agriculture, Conservation and Forestry to establish a program to certify agricultural land and farms containing certified agricultural land as regenerative. The bill establishes standards for certification and testing by the department. After certification, a program seal issued by the department may be used to market and sell agricultural products produced on the certified land.

LD 1049 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Convey Certain Lands to Roosevelt Conference Center Doing Business as Eagle Lake Sporting Camps ONTP

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

This resolve requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey to Roosevelt Conference Center, doing business as Eagle Lake Sporting Camps, a 12.86-acre parcel of land in Township 16, Range 6. The resolve requires the director to sell the land at fair market value and to retain or withhold any rights to subdivide. The director is also required by the resolve to convey to Eagle Lake Sporting Camps a right-of-way along the service road to the Square Lake Road for appraised fair market value. The resolve also stipulates that the State must retain a right of first refusal to reacquire the parcel and right-of-way from the owner if the use of the parcel for a year-round sporting camp or Class A restaurant and lodge is discontinued or appropriate licenses are not maintained.

An amendment to this resolve was incorporated into LD 1126, An Act Relating to the Use and Leasing of Public Reserved Lands, which became Public Law 2017, chapter 262.

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LD 1114 An Act To Amend the Rules Regulating Invasive Terrestrial Plant Species

ONTP

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

This bill restricts the rule-making authority of the Commissioner of Agriculture, Conservation and Forestry regarding nonnative invasive terrestrial plants to allow the commissioner to adopt rules regarding those nonnative terrestrial plants that are determined to be invasive. The commissioner may not adopt rules to regulate plants that are likely or potentially invasive.

LD 1126 An Act Relating to the Use and Leasing of Public Reserved Lands

**PUBLIC 262
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R DAVIS P	OTP-AM	H-417

This bill provides that the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may lease observation stands and shelters and convey trail easements on public lands for private use, in addition to campsites, garages and other structures that currently may be leased. It provides that the director must lease up to one observation stand or shelter and convey up to a mile of trail easement for each lodging room at a commercial sporting camp. It specifies that the site location and trail easement must be as requested by the commercial sporting camp owner unless the director determines the location is inconsistent with other uses of the public reserved land or with applicable laws or rules. It provides for a minimum annual commercial sporting camp observation stand or shelter lease fee of \$100.

Committee Amendment "A" (H-417)

This amendment replaces the bill and changes the title to reflect the content of the amendment.

This amendment requires the Bureau of Parks and Lands to amend its rules expressly to permit bear baiting at sites that are not accessible by road but are accessible by water. It also requires the bureau to issue a permit to place bear bait at a site not accessible by road but accessible by water to any licensed Maine guide who applies in 2017 for such a permit if the applicant held such a permit for that site in 2016 and has not become ineligible for such a permit, unless the bureau finds there is a valid land management reason placement of bait at the site is no longer feasible and the bureau provides the applicant a written explanation of that reason. If the permit is denied for a valid land management reason, the bureau must work with the applicant to seek to find a suitable alternative site that meets the needs of the applicant.

This amendment directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to issue a revised lease of land in Township 16, Range 6 current as of the effective date of this Act from the State to Eagle Lake Sporting Camps, that changes its term from 15 years to 30 years, notwithstanding the limitation in current law for such leases to be no longer than 15 years. The amendment also provides for successive renewals for terms of 30 years each as long as the land continues to be used for a year-round sporting camp or Class A restaurant and lodge open to the public, as specified in the lease agreement, and the lessee complies with all other terms and conditions of the lease and all other applicable laws and rules of the State. The lessee may request such a 30-year renewal during the 10 calendar years prior to the end of the term of any then-existing lease. A renewal commences at the end of the term of the then-existing lease. The director is also authorized to allow, on reasonable terms and conditions, a transfer of the leasehold interests to another entity if the

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Eagle Lake Sporting Camps business is sold to another entity, as long as the sale of the business is at an appraised fair market value and the leased land continues to be used for a year-round sporting camp or Class A restaurant and lodge open to the public, as specified in the lease agreement, and the transferee agrees to comply with all terms and conditions of the lease and all other applicable laws and rules of the State.

This amendment also adds an emergency preamble and emergency clause to the bill, but the provisions relating to the Eagle Lake Sporting Camps take effect 90 days after the adjournment of the First Regular Session of the 128th Legislature.

Enacted Law Summary

Public Law 2017, chapter 262 requires the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to amend its rules expressly to permit bear baiting at sites that are not accessible by road but are accessible by water. It also requires the bureau to issue a permit to place bear bait at a site not accessible by road but accessible by water to any licensed Maine guide who applies in 2017 for such a permit if the applicant held such a permit for that site in 2016 and has not become ineligible for such a permit, unless the bureau finds there is a valid land management reason placement of bait at the site is no longer feasible and the bureau provides the applicant a written explanation of that reason. If the permit is denied for a valid land management reason, the bureau must work with the applicant to seek to find a suitable alternative site that meets the needs of the applicant.

Public Law 2017, chapter 262 directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to issue a revised lease of land in Township 16, Range 6 current as of the effective date of this Act from the State to Eagle Lake Sporting Camps, that changes its term from 15 years to 30 years, notwithstanding the limitation in current law for such leases to be no longer than 15 years. The amendment also provides for successive renewals for terms of 30 years each as long as the land continues to be used for a year-round sporting camp or Class A restaurant and lodge open to the public, as specified in the lease agreement, and the lessee complies with all other terms and conditions of the lease and all other applicable laws and rules of the State. The lessee may request such a 30-year renewal during the 10 calendar years prior to the end of the term of any then-existing lease. A renewal commences at the end of the term of the then-existing lease. The director is also authorized to allow, on reasonable terms and conditions, a transfer of the leasehold interests to another entity if the Eagle Lake Sporting Camps business is sold to another entity, as long as the sale of the business is at an appraised fair market value and the leased land continues to be used for a year-round sporting camp or Class A restaurant and lodge open to the public, as specified in the lease agreement, and the transferee agrees to comply with all terms and conditions of the lease and all other applicable laws and rules of the State.

Public Law 2017, chapter 262 was enacted as an emergency measure effective June 27, 2017, except that those provisions of the law relating to the Eagle Lake Sporting Camps take effect 90 days after the adjournment of the First Regular Session of the 128th Legislature.

LD 1127 An Act To Provide Occupants of Motor Vehicles with Gold Star Family Registration Plates Free Entry to State Parks CARRIED OVER

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

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

Committee Amendment "A" (H-376)

This amendment incorporates a fiscal note.

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This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1167 An Act To Deregulate the In-state Extraction and Sale of Raw Honey ONTP

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

This bill exempts raw honey producers and sellers from licensing and inspection by the Department of Agriculture, Conservation and Forestry as long as the raw honey is both extracted and sold within the State.

LD 1181 An Act To Provide Funding to Municipalities Severely Infested by Brown-tail Moth Caterpillars Accepted Majority (ONTP) Report

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

This bill establishes the Maine Brown-tail Moth Caterpillar Management Fund to provide municipalities severely infested with brown-tail moth caterpillars funds to be used in mitigating the infestation of properties within the municipality. It also provides \$500,000 to the fund.

Committee Amendment "A" (H-378)

This amendment is the minority report of the committee. It replaces the bill with a resolve that requires the State Entomologist within the Department of Agriculture, Conservation and Forestry to work with the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to develop best management practices for municipalities to address the browntail moth infestation and provide those best management practices to municipalities across the State. It also requires the State Entomologist to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2018 with those best management practices recommended to municipalities and the results in municipalities that followed the recommendations.

This amendment was not adopted.

LD 1182 An Act Regarding the Disclosure of Hormone-disrupting Chemicals in Packaged Food Died Between Houses

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

This bill requires manufacturers and distributors of food or beverage products to submit to the Department of Agriculture, Conservation and Forestry written notice if an ortho-phthalate, or any other chemical the department determines poses a human health hazard, is present in an amount greater than a de minimus level in the product's container or packaging or the food or beverage within the container or packaging. It requires the department to make information received from manufacturers and distributors available to the public. It authorizes the department to assess a fee on manufacturers and distributors.

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Committee Amendment "A" (H-506)

This amendment, which is the minority report of the committee, provides that the requirements of the bill apply only to food products and manufacturers and distributors of food products, but not to beverages or manufacturers or distributors of beverages. It retains the provision that authorizes the department to assess a fee on manufacturers and distributors. The amendment also narrows the group of chemicals included in the reporting requirement to four chemicals belonging in the class of ortho-phthalates and any other ortho-phthalate identified and listed as a chemical of high concern by the Department of Environmental Protection after this legislation takes effect. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 1203 An Act To Increase Transparency in Cooperative Agreements within the Veto Sustained
Department of Agriculture, Conservation and Forestry

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C SAVIELLO T	OTP-AM	H-418

This bill amends the law governing cooperative agreements and arrangements entered into by the Department of Agriculture, Conservation and Forestry for the purpose of controlling diseases of plants and domestic animals and advertising or disseminating information concerning Maine food products. This bill requires the department to:

1. Provide public notice of each proposed cooperative agreement or arrangement;
2. Solicit public comments and provide responses regarding proposed cooperative agreements or arrangements;
3. Consider requests submitted in writing to decline to receive future funding from a cooperative agreement or arrangement; and
4. Report annually to the joint standing committee of the Legislature having jurisdiction over agricultural matters regarding the cooperative agreements and arrangements entered into during the previous fiscal year.

Under the bill, the joint standing committee of the Legislature having jurisdiction over agricultural matters may schedule a public hearing on any cooperative agreement or arrangement about which the committee has questions.

Committee Amendment "A" (H-418)

This amendment removes the requirements in the bill that the Department of Agriculture, Conservation and Forestry provide public notice of each cooperative agreement or arrangement, solicit public comments, provide responses to public comments and consider requests submitted in writing to decline to receive future funding from a cooperative agreement or arrangement. It also changes the requirement to report to the joint standing committee of the Legislature having jurisdiction over agricultural matters regarding the cooperative agreements and arrangements entered into from an annual requirement to a biennial requirement. The amendment also requires the department to post on its publicly accessible website a description of each cooperative agreement or arrangement entered into during the previous fiscal year, including the expected benefits to the State, the department, the regulated community and the public.

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LD 1369 An Act To Support Local Agricultural Production

ONTP

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

This bill creates the following implementation dates and minimum percentages regarding Maine foodstuffs that state and school purchasers must purchase directly from Maine food producers or food brokers: at least 15% by December 31, 2023; 20% by December 31, 2027; 25% by December 31, 2037; and 35% by December 31, 2038. It exempts from the requirements school purchasers at schools participating in the National School Lunch Program.

It also establishes a grant program to provide assistance with kitchen modifications at state and school facilities that lack equipment to prepare Maine foodstuffs and directs the Department of Agriculture, Conservation and Forestry to implement the grant program. Grant funds may be used for kitchen modifications or funding kitchen staff at a facility to prepare Maine foodstuffs. The grant program provides a process for exemptions for institutions with kitchens that cannot be modified to prepare Maine foodstuffs from the requirement to meet the implementation schedule.

LD 1445 An Act To Designate the Maine Farm Agricultural Resource Management and Sustainability Recognition Program

PUBLIC 160

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R	OTP-AM	H-377

This bill replaces the Farming for Maine farms program with the Maine Farms Agricultural Resource Management and Sustainability recognition program to recognize sustainable agricultural practices and to increase public awareness of agricultural producer commitment to best management practices.

Committee Amendment "A" (H-377)

This amendment changes the bill title and the name of the recognition program.

Enacted Law Summary

Public Law 2017, chapter 160 replaces the Farming for Maine farms program with the Maine Farms Agricultural Resource Management and Sustainability recognition program to recognize sustainable agricultural practices and to increase public awareness of agricultural producer commitment to best management practices.

LD 1446 An Act Regarding the Confidentiality of Information in the Animal Welfare Laws

Died Between Houses

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

This bill provides that the names of and identifying information about persons who have contracted with or been hired by an entity for the purpose of filming or recording business operations of another entity to provide information pertaining to criminal or civil cruelty to animals to the Department of Agriculture, Conservation and Forestry may be made public.

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" (H-379)

This amendment, which is the majority report of the committee, provides that the names of and identifying information about persons who have contracted with or been hired by an entity for the purpose of filming or recording business operations of another entity in order to provide information pertaining to criminal or civil cruelty to animals to the Department of Agriculture, Conservation and Forestry may not be made public unless the Commissioner of Agriculture, Conservation and Forestry determines that it is in the best interest of the public.

This amendment was not adopted.

LD 1508 An Act To Improve Animal Control in Maine

**Accepted Majority
(ONTP) Report**

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

This bill establishes a cat license that is optional for cat owners. This bill also directs the Commissioner of Agriculture, Conservation and Forestry to develop strategies to encourage owners of dogs and cats to license their pets, including an advertising and public outreach campaign promoting licensure; offering incentives such as coupons and rewards cards donated by participating businesses; developing an exclusive logo or certificate that may be displayed by supporting businesses; and coordinating with municipalities and other entities authorized to license dogs and cats to disseminate information, notices and flyers promoting licensure.

Committee Amendment "A" (S-175)

This amendment is the minority report of the committee. It removes the optional cat licensing section, changes the bill to a resolve and retains the provision that directs the Commissioner of Agriculture, Conservation and Forestry to develop strategies to encourage owners of dogs to license their pets, including an advertising and public outreach campaign promoting licensure; offering incentives such as coupons and rewards cards donated by participating businesses; developing an exclusive logo or certificate that may be displayed by supporting businesses; and coordinating with municipalities and other entities authorized to license dogs to disseminate information, notices and flyers promoting licensure.

This amendment was not adopted.

LD 1532 An Act To Modernize the Laws Governing Maine Harness Racing

**PUBLIC 231
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAREAN D	OTP-AM	H-478

This bill amends the laws governing harness racing to require meetings of the State Harness Racing Commission as necessary rather than monthly; authorize the commission to adopt rules providing for standards for licensure and conduct of presiding and associate judges; remove a provision directing the annual appointment of judges by the commission; modify budget requirements to account for current processes; eliminate the requirement for the State Harness Racing Commission to provide paper copies of law booklets to licensees; give the commission authority to request and audit financial records; clarify when purse money must be repaid to the commission for redistribution; place the establishment of minimum race date determinations under the purview of the commission; amend the definition of "commercial track" and "race date" and add a definition of "race day"; change the way disbursements

Joint Standing Committee on Agriculture, Conservation and Forestry

from the Fund to Encourage Racing at Maine's Commercial Tracks are calculated; authorize the commission to require that a biological sample, instead of a blood sample, of a horse be taken to test for prohibited substances; and reduce redundant reporting.

Committee Amendment "A" (H-478)

This amendment:

1. Adds an emergency preamble and emergency clause;
2. Clarifies and standardizes the reporting requirements of the State Harness Racing Commission;
3. Eliminates from the bill the proposed amendments to existing harness horse racing license fee provisions;
4. Provides that if the executive director of the State Harness Racing Commission or the commission determines that any of the criteria for race date awards have not been met by a licensee, the executive director must submit a notice of the deficiency to the licensee, regardless of whether the deficiency resulted in the denial of the application for or the refusal to award race dates. A copy of this notice must also be submitted at the same time to the joint standing committee of the Legislature having jurisdiction over agriculture matters;
5. Clarifies the rule-making authority of the State Harness Racing Commission regarding oversight and allocation of trust account funds; and
6. Removes the commission's rule-making authority in the bill to establish standards for the use of the Fund to Encourage Racing at Maine's Commercial Tracks.

Enacted Law Summary

Public Law 2017, chapter 231 does the following:

1. Amends the laws governing harness racing to require meetings of the State Harness Racing Commission as necessary rather than monthly;
2. Authorizes the commission to adopt rules providing for standards for licensure and conduct of presiding and associate judges;
3. Removes a provision directing the annual appointment of judges by the commission;
4. Modifies budget requirements to account for current processes;
5. Eliminates the requirement for the State Harness Racing Commission to provide paper copies of law booklets to licensees;
6. Gives the commission authority to request and audit financial records;
7. Clarifies when purse money must be repaid to the commission for redistribution;
8. Places the establishment of minimum race date determinations under the purview of the commission;
9. Amends the definition of "commercial track" and "race date" and add a definition of "race day;"
10. Changes the way disbursements from the Fund to Encourage Racing at Maine's Commercial Tracks are calculated;

Joint Standing Committee on Agriculture, Conservation and Forestry

- 11. Authorizes the commission to require that a biological sample, instead of a blood sample, of a horse be taken to test for prohibited substances;
- 12. Reduces redundant reporting;
- 13. Provides that if the executive director of the State Harness Racing Commission or the commission determines that any of the criteria for race date awards have not been met by a licensee, the executive director must submit a notice of the deficiency to the licensee, regardless of whether the deficiency resulted in the denial of the application for or the refusal to award race dates. A copy of this notice must also be submitted at the same time to the joint standing committee of the Legislature having jurisdiction over agriculture matters; and
- 14. Clarifies the rule-making authority of the State Harness Racing Commission regarding oversight and allocation of trust account funds.

Public Law 2017, chapter 231 was enacted as an emergency measure effective June 19, 2017.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1579 *An Act To Amend and Add Consistency to the Maine Weights and Measures Law* PUBLIC 172

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY M	OTP-AM	H-392

This bill requires compliance testing of the net contents of packaged goods to meet the specifications set by the National Conference on Weights and Measures.

This bill reinstates the authority of municipalities to appoint local sealers of weights and measures if they choose to do so. Municipalities may use the state weights and measures program if they opt not to appoint a local sealer.

Committee Amendment "A" (H-392)

This amendment does the following:

- 1. Removes the provisions that impose a \$10 fine on municipal officers and clerks who neglect their duties with respect to sealers of weights and measures appointed or elected by those municipal officers; and
- 2. Clarifies that if a municipality chooses not to take advantage of the option to appoint or elect a sealer, or fails to provide notice to the state sealer of such an appointment or election, the state sealer retains jurisdiction and may appoint qualified persons to carry out the state sealer's responsibilities in those municipalities.

Joint Standing Committee on Agriculture, Conservation and Forestry

Enacted Law Summary

Public Law 2017, chapter 172 requires compliance testing of the net contents of packaged goods to meet the specifications set by the National Conference on Weights and Measures. This bill reinstates the authority of municipalities to appoint local sealers of weights and measures if they choose to do so, and clarifies that if a municipality chooses not to take advantage of the option to appoint or elect a sealer, or fails to provide notice to the state sealer of such an appointment or election, the state sealer retains jurisdiction and may appoint qualified persons to carry out the state sealer's responsibilities in those municipalities.

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

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E HICKMAN C		

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

The program, administered by the commissioner, must help farmers and fishermen in this State by increasing demand for and direct purchasing of their products by individuals and institutions with a goal of increasing the sale and purchase of good local foods by 20% no later than 2025 and supporting local economies, farms, fisheries, jobs, nutrition, environmental sustainability and animal welfare. The program also must improve access to good local foods.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1593 An Act To Amend the Animal Welfare Laws To Add Provisions Relating to the Surrender of Animals

Died Between Houses

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

This bill allows the Commissioner of Agriculture, Conservation and Forestry in cases of alleged cruelty to animals to waive costs and fees associated with the surrender of animals, and to decide that the case should not be sent to the attorney for the State, as long as the person who is subject to the investigation has voluntarily surrendered the animals to the Department of Agriculture, Conservation and Forestry and has not previously been charged with cruelty to animals or charged with animal neglect. If the commissioner waives such costs or fees or decides that the case shouldn't be sent to the attorney for the State, the commissioner shall require the person to sign an affidavit stating that the person will never again possess or own animals of the same species as the animals that were surrendered.

Committee Amendment "A" (H-446)

This amendment is the majority report of the committee and provides that the commissioner may not waive costs and fees associated with the surrender of animals or decide that the case should not be sent to the attorney for the State unless the person agrees to sign an affidavit stating that the person will never again possess or own any animals of the same species as the animals that were surrendered until the person can properly care for them and has the financial capacity to properly care for them, as determined by the commissioner.

This amendment was not adopted.

LD 1598 An Act To Allow the Commercial Growth and Sale of Water Spinach in the State

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M HILL D	OTP-AM ONTP	H-380

This bill requires the Department of Agriculture, Conservation and Forestry to provide information about the proper process for obtaining a federal permit to individuals seeking to grow and sell water spinach in Maine and requires the State to allow the commercial growth and sale of water spinach as long as the permittee follows federal guidelines in the construction of any greenhouse and in the handling of the plants after sale.

Committee Amendment "A" (H-380)

This amendment clarifies the language of the bill. The bill suggests that the State is required to complete a permit application and approve the application on behalf of an applicant for a federal permit to grow and sell *Ipomoea aquatica* Forssk., commonly referred to as water spinach, and then approve the application. The amendment clarifies that the State is prohibited from objecting to the issuance of a federal permit as long as federal guidelines and standards for the handling of the plants are followed.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1601 An Act To Increase Funds Deposited into the Companion Animal Sterilization Fund through the Pet Food Surcharge

**PUBLIC 263
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R	OTP-AM	H-447

This bill eliminates the surcharge assessed on each product name of commercial feed that is pet food or that is pet food from a home-based manufacturer by fiscal year 2019-20. This elimination will be done in phases until the assessed surcharge no longer exists.

Committee Amendment "A" (H-447)

This amendment replaces the bill and changes the title. It provides that funds from the surcharge on pet food received for a registration year between \$100,000 and \$157,000 are deposited into the Animal Welfare Fund by the Commissioner of Agriculture, Conservation and Forestry and that funds over \$157,000 are deposited into the Companion Animal Sterilization Fund in addition to the \$100,000 currently provided to the fund in statute.

Enacted Law Summary

Public Law 2017, chapter 263 provides that funds from the surcharge on pet food received for a registration year between \$100,000 and \$157,000 are deposited into the Animal Welfare Fund by the Commissioner of Agriculture, Conservation and Forestry, and that funds over \$157,000 are deposited into the Companion Animal Sterilization Fund in addition to the \$100,000 currently provided to the fund in statute.

Public Law 2017, chapter 231 was enacted as an emergency measure effective June 27, 2017.

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

CARRIED OVER

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 1635 Resolve, Authorizing Certain Land Transactions by the Department of
Agriculture, Conservation and Forestry, Bureau of Parks and Lands**

RESOLVE 19

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J JACKSON T	OTP-AM	H-521

This resolve amends Resolve 2013, chapter 56, which authorizes the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry to convey certain lots or parcels of land in Adamstown Township in Oxford County to the West Richardson Pond Public Lot Association. The resolve instead authorizes the Director of the Bureau of Parks and Lands to convey these lots or parcels of land to the individual lessees of each lot or parcel.

The resolve also authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to grant an access easement to the Town of Fort Kent across the Fort Kent State Historic Site to allow for strengthening and heightening of the earthen flood barrier along the St. John River and protect the Fort Kent Blockhouse, a National Historic Landmark, from flooding.

Committee Amendment "A" (H-521)

This amendment removes the section of the resolve authorizing the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey certain lots or parcels of land in Adamstown Township in Oxford County to the individual lessees of each lot or parcel. It retains the section that authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to grant an access easement to the Town of Fort Kent across the Fort Kent State Historic Site to allow for strengthening and heightening of the earthen flood barrier along the St. John River and protect the Fort Kent Blockhouse, a National Historic Landmark, from flooding.

Enacted Law Summary

Resolve 2017, chapter 19 authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to grant an access easement to the Town of Fort Kent across the Fort Kent State Historic Site to allow for strengthening and heightening of the earthen flood barrier along the St. John River and protect the Fort Kent Blockhouse, a National Historic Landmark, from flooding.

**LD 1640 Resolve, To Allow the Issuance of Open Burn Permits through Private
Online Services**

**RESOLVE 22
EMERGENCY**

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

This resolve was not referred to committee.

This resolve directs the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to allow municipalities to purchase and use burn permit software from a private party to issue burn permits online if all statutory requirements of issuing burn permits are met by the software.

Enacted Law Summary

Resolve 2017, chapter 22 directs the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to allow municipalities to purchase and use burn permit software from a private party to issue burn permits online if all statutory requirements of issuing burn permits are met by the software.

Joint Standing Committee on Agriculture, Conservation and Forestry

Resolve 2017, chapter 22 was enacted as an emergency measure effective July 4, 2017.

Joint Standing Committee on Agriculture, Conservation and Forestry

SUBJECT INDEX

Agricultural Development

Enacted

LD 1445 An Act To Designate the Maine Farm Agricultural Resource Management and Sustainability Recognition Program PUBLIC 160

Not Enacted

LD 939 An Act To Protect Maine's Agriculture CARRIED OVER
LD 1369 An Act To Support Local Agricultural Production ONTP
LD 1593 An Act To Amend the Animal Welfare Laws To Add Provisions Relating to the Surrender of Animals Died Between Houses

Animal Welfare

Enacted

LD 508 An Act Regarding Restrictions on the Purchase of Certain Animals PUBLIC 131
LD 1601 An Act To Increase Funds Deposited into the Companion Animal Sterilization Fund through the Pet Food Surcharge PUBLIC 263 EMERGENCY

Not Enacted

LD 157 An Act To Require the Reporting of Animal Cruelty or Neglect ONTP
LD 167 An Act To Fund Animal Control Officers and Animal Shelters ONTP
LD 245 An Act To Repeal the Affirmative Defense for Cruelty to Animals ONTP
LD 246 An Act To Provide for the Adoption of Cats and Dogs Previously Used for Research Purposes ONTP
LD 396 An Act To Prohibit the Use of Elephants in Traveling Animal Acts Majority (ONTP) Report
LD 653 Resolve, To Establish a Working Group To Propose Changes to the Animal Welfare Laws ONTP
LD 828 An Act To Require a Veterinarian to be Present at an Agricultural Fair ONTP
LD 858 An Act To Strengthen the Law Regarding Dangerous Dogs CARRIED OVER
LD 982 An Act To Protect Abused or Neglected Animals ONTP
LD 1446 An Act Regarding the Confidentiality of Information in the Animal Welfare Laws Died Between Houses

LD 1508	An Act To Improve Animal Control in Maine	Majority (ONTP) Report
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Department of Agriculture, Conservation and Forestry

Enacted

LD 548	An Act To Amend Laws Relating to Agricultural Pulling Events	PUBLIC 207
LD 1579	An Act To Amend and Add Consistency to the Maine Weights and Measures Law	PUBLIC 172
LD 1635	Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands	RESOLVE 19

Not Enacted

LD 662	Resolve, Directing the Department of Agriculture, Conservation and Forestry To Work with All-terrain Vehicle Clubs To Develop All-terrain Vehicle Trails in Northern Maine	ONTP
LD 857	An Act To Amend the Laws Governing Slaughter and Inspection of Livestock	ONTP
LD 1028	An Act To Improve Soil Quality and Profits for Maine Farms	ONTP
LD 1049	Resolve, Directing the Department of Agriculture, Conservation and Forestry To Convey Certain Lands to Roosevelt Conference Center Doing Business as Eagle Lake Sporting Camps	ONTP
LD 1114	An Act To Amend the Rules Regulating Invasive Terrestrial Plant Species	ONTP
LD 1203	An Act To Increase Transparency in Cooperative Agreements within the Department of Agriculture, Conservation and Forestry	Veto Sustained

Food Policy

Not Enacted

LD 173	An Act To Reduce Food Insecurity	CARRIED OVER
LD 175	An Act Regarding the Regulation of Rabbit Production for Local Consumption	Died Between Houses
LD 835	An Act To Promote Small Diversified Farms and Small Food Producers	Veto Sustained
LD 893	An Act To Improve and Protect Maine Organic Milk Producers	ONTP
LD 1167	An Act To Deregulate the In-state Extraction and Sale of Raw Honey	ONTP
LD 1182	An Act Regarding the Disclosure of Hormone-disrupting Chemicals in Packaged Food	Died Between Houses
LD 1584	An Act To Expand the Local Foods Economy by Promoting Local Foods Procurement	CARRIED OVER

Harness Racing

Enacted

LD 1532	An Act To Modernize the Laws Governing Maine Harness Racing	PUBLIC 231 EMERGENCY
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Not Enacted

LD 834	An Act To Restructure Harness Racing within the Department of Agriculture, Conservation and Forestry	ONTP
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Land Use Planning Commission

Enacted

LD 519	An Act To Allow the Storage of Tents, Campers, Trailers and Other Devices Used for Camping in Campgrounds in the Unorganized Townships	PUBLIC 236
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LD 549	An Act To Recognize Preexisting Land Uses	PUBLIC 89
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Maine Forest Service

Not Enacted

LD 8	An Act To Provide Training for Forest Rangers To Carry Firearms	CARRIED OVER
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Miscellaneous

Enacted

LD 7	An Act To Allow Conveyance of Land Previously Conveyed by the State to the Town of Bridgton	PUBLIC 18
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LD 124	An Act To Make Changes to the Potato Marketing Improvement Fund	PUBLIC 6
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LD 856	An Act To Extend the Germination Testing Period for Cool-weather Lawn and Turf Seed from 9 to 15 Months	PUBLIC 57
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LD 1640	Resolve, To Allow the Issuance of Open Burn Permits through Private Online Services	RESOLVE 22 EMERGENCY
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Not Enacted

LD 128	An Act To Prohibit Foraging on Private Land without Permission	Majority (ONTP) Report
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LD 151	Resolve, To Authorize the Transfer of State-owned Property to the Town of St. Agatha	ONTP
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LD 414	An Act To Create the Maine Forest Resources Council	Leave to Withdraw Pursuant to Joint Rule 310
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LD 430	An Act To Amend the Exemption for Highway Contractors and Subcontractors under the Arborist Licensing Laws	ONTP
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LD 637	An Act To Protect Maine's Lands	CARRIED OVER
LD 760	An Act To Promote Safety with Respect to Touching Livestock or Other Animals	ONTP
LD 1574	Resolve, To Require Greater Clearing of Vegetation along Portions of Route 161 in the Town of Allagash	CARRIED OVER

Parks and Public Lands

Enacted

LD 586	An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund	PUBLIC 289 EMERGENCY
LD 1126	An Act Relating to the Use and Leasing of Public Reserved Lands	PUBLIC 262 EMERGENCY

Not Enacted

LD 159	An Act To Prohibit the Mining of Massive Sulfide Ore Deposits on State Lands	Majority (ONTP) Report
LD 244	An Act To Clarify the Use of State Lands Designated for Conservation or Recreation Purposes	ONTP
LD 758	An Act To Provide Free Admission for Permanently Disabled Persons at Maine State Parks	ONTP
LD 1127	An Act To Provide Occupants of Motor Vehicles with Gold Star Family Registration Plates Free Entry to State Parks	CARRIED OVER

Pest Management

Not Enacted

LD 1181	An Act To Provide Funding to Municipalities Severely Infested by Brown-tail Moth Caterpillars	Majority (ONTP) Report
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Pesticides

Enacted

LD 594	An Act To Modify the Definition of "General Use Pesticide"	PUBLIC 59
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Not Enacted

LD 174	An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purposes of Providing Information to the Public	CARRIED OVER
LD 418	An Act To Educate the Public on the Proper Use of Pesticides and To Promote Integrated Pest Management Using Existing Resources	Leave to Withdraw Pursuant to Joint Rule 310
LD 993	An Act To Protect Pollinators from Neonicotinoid Pesticides	ONTP

Regulated Products

Not Enacted

LD 742	An Act To Allow Hemp Growers To Grow Hemp from Clones and To Grow Hemp Indoors	CARRIED OVER
LD 1598	An Act To Allow the Commercial Growth and Sale of Water Spinach in the State	Veto Sustained
LD 1611	An Act To Protect Persons Who Cultivate, Process, Buy and Sell Hemp	CARRIED OVER

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2017

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Joint Standing Committee on Appropriations and Financial Affairs

LD 17 An Act To Eliminate Retirement Benefits and Paid Health Insurance for Legislators Elected after 2017 Accepted Majority (ONTP) Report

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

This bill prohibits a Legislator elected for the first time on or after January 1, 2018 from being a member of the Legislative Retirement Program, which also removes the Legislator from eligibility for a postretirement state group health plan.

Committee Amendment "A" (H-14)

This amendment incorporates a fiscal note.

This amendment was not adopted.

LD 47 An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 89 An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K SHEATS B	OTP-AM ONTP	H-286 GATTINE D

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

Certain provisions of this bill are contained in Public Law 2017, chapter 284, the Biennial Budget (LD 390).

Committee Amendment "A" (S-101)

This amendment reduces the fiscal year 2016-17 appropriation from \$1,000,000 to \$500,000.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-286)

Joint Standing Committee on Appropriations and Financial Affairs

This amendment strikes the emergency preamble and emergency clause and provides funding in fiscal year 2017-18 instead of fiscal year 2016-17.

LD 99 An Act To Expand the 1998 Special Retirement Plan To Include Veto Sustained
Detectives in the Office of Investigations within the Department of the
Secretary of State, Bureau of Motor Vehicles

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C MIRAMANT D	OTP-AM ONTP	H-249

This bill allows detectives in the office of investigations within the Department of the Secretary of State, Bureau of Motor Vehicles to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service, or may retire before 55 years of age with 25 years of creditable service and at a reduced benefit.

Committee Amendment "A" (H-249)

This amendment is the majority report of the committee. The amendment clarifies that a motor vehicle detective in the employment of the office of investigations within the Department of the Secretary of State, Bureau of Motor Vehicles on July 1, 2018, must make the election to participate in the 1998 Special Plan no later than December 1, 2018. The amendment also makes technical changes and corrects cross-references in the current retirement provisions applicable to detectives in the employment of the office of investigations within the Department of the Secretary of State, Bureau of Motor Vehicles. The amendment also adds an appropriations and allocations section to the bill.

LD 100 An Act To Expand the 1998 Special Retirement Plan To Include Died Between
Detectives in the Office of the Attorney General Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C MAKER J	OTP-AM ONTP	H-174

This bill allows detectives in the Office of the Attorney General to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service, or may retire before 55 years of age with 25 years of creditable service and at a reduced benefit.

Committee Amendment "A" (H-174)

This amendment is the majority report of the committee. The amendment clarifies that a detective in the employment of the Office of the Attorney General on July 1, 2018, must make the election to participate in the 1998 Special Plan no later than December 1, 2018. The amendment also adds an appropriations and allocations section to the bill.

LD 139 An Act To Authorize a General Fund Bond Issue for Maine's CARRIED OVER
Community Colleges

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

Joint Standing Committee on Appropriations and Financial Affairs

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

This bill provides funds to be used to upgrade learning spaces in school buildings and for other necessary repairs approved by the Commissioner of Education.

Committee Amendment "A" (H-452)

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

The bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 176 An Act To Amend the Laws Pertaining to Disability Retirement Benefits CARRIED OVER
Administered by the Maine Public Employees Retirement System**

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

This bill allows employees at state correctional facilities that close who have not reached their normal retirement age to retire and receive their full retirement benefit if certain conditions are met and funding is appropriated for the additional actuarial costs that result from the elimination of a reduction for retirement prior to normal retirement age.

This bill requires the Commissioner of Administrative and Financial Services to provide certification of the pending closure of a state correctional facility to the Maine Public Employees Retirement System. The bill requires the retirement system to calculate the amount of funding necessary to pay for the actuarial costs and report that information to the joint standing committee of the Legislature having jurisdiction over retirement matters. The bill provides that the joint standing committee may report out legislation appropriating funds for the costs set forth in the report.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

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

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This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 292 An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 302 An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017 PUBLIC 2 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J GATTINE D	OTP-AM	S-2

This bill does the following.

PART A makes appropriations and allocations.

PART B makes appropriations and allocations to provide funding for approved reclassifications and range changes.

PART C continues limited-period positions set to expire in June 2017 through August 1, 2017.

PART D transfers \$35,000,000 in fiscal year 2016-17 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

PART E authorizes the State Controller to carry any unexpended All Other balances of as of June 30, 2017, in the All Other line category of the \$300,000 one-time General Fund appropriation in the Department of Administrative and Financial Services, Bureau of Revenue Services program for the updating of econometric database information used for revenue projections into the next fiscal year to be used for the same purpose.

PART F removes the requirement that unencumbered balances in a dedicated account within the Office of Chief Medical Examiner in excess of \$500 be transferred to the General Fund.

PART G authorizes the balance remaining in the Fund for Women Veterans account in the Veterans Services program within the Department of Defense, Veterans and Emergency Management to be used for software for veterans services.

PART H allows unexpended balances from funds transferred to the Lifetime License Fund in the Department of Inland Fisheries and Wildlife by the Treasurer of State to be carried forward into the next fiscal year to be used for the same purpose.

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PART I authorizes the State Controller to transfer funds in fiscal year 2016-17 from the Department of Inland Fisheries and Wildlife, Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Fisheries and Hatcheries Operations program, General Fund account to construct water supply pipelines and update water treatment equipment.

PART J requires any remaining balances at the end of fiscal year 2016-17 in the Capital Expenditures line category in the Department of Inland Fisheries and Wildlife, Fisheries and Hatcheries Operations program, General Fund account to be used for the construction of water supply pipelines and updating of water treatment equipment in fiscal year 2017-18.

PART K allows the Judicial Department to transfer any available balances in the Personal Services line category of General Fund accounts to the Capital Expenditures line category in the Courts - Supreme, Superior and District program, General Fund account in fiscal year 2016-17 and carries any remaining 2016-17 fiscal year-end balances in the Personal Services line category of General Fund accounts and in the Capital Expenditures line category in the Courts - Supreme, Superior and District program, General Fund account to fiscal year 2017-18 in the Capital Expenditures line category in the Courts - Supreme, Superior and District program, General Fund account, for the purpose of making capital improvements to judicial facilities.

PART L requires the State Controller to carry forward unexpended balances in the Department of the Secretary of State, Administration - Archives program Personal Services and All Other line categories as of June 30, 2017, to the All Other line category in the Department of the Secretary of State, Administration - Archives program for use in fiscal year 2017-18.

PART M requires the State Controller to carry forward any unexpended balance as of June 30, 2017, in the All Other line category in the Department of the Secretary of State, Bureau of Administrative Services and Corporations program for use in fiscal year 2017-18 to upgrade software.

PART N eliminates the requirement that the Maine Community College System make contributions toward payment of the unfunded liability and administrative costs to the Maine Public Employees Retirement System for retirees who elected to participate in a defined contribution plan and repeals the obligation of the Department of Administrative and Financial Services to develop long-term strategies to create funding methods for future salary increases resulting from the Maine Community College System collective bargaining process. This Part also authorizes the transfer of \$13,990,596 to the General Fund that would otherwise lapse to the Salary Plan program.

PART O establishes a reserve fund within the Department of Administrative and Financial Services for the operation of the Maine Military Authority and transfers \$7,000,000 to that fund from the General Fund unappropriated surplus.

Committee Amendment "A" (S-2)

This amendment, which is the unanimous report of the committee, makes three changes to the bill:

1. Provides one-time funding of \$155,000 to the Secretary of State, Bureau of Administrative Services and Corporations for the referendum in June 2017 for the bond issue authorized in Public Law 2015, chapter 479;
2. Removes the one-time funding of \$550,000 to the University of Maine School of Law's prelaw undergraduate program; and
3. Establishes the Opioid Health Home Program administered by the Department of Health and Human Services and provides funding for this program.

Enacted Law Summary

Public Law 2017, chapter 2 does the following:

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PART A makes appropriations and allocations.

PART B makes appropriations and allocations to provide funding for approved reclassifications and range changes.

PART C continues limited-period positions set to expire in June 2017 through August 1, 2017.

PART D transfers \$35,000,000 in fiscal year 2016-17 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

PART E authorizes the State Controller to carry any unexpended All Other balances of as of June 30, 2017, in the All Other line category of the \$300,000 one-time General Fund appropriation in the Department of Administrative and Financial Services, Bureau of Revenue Services program for the updating of econometric database information used for revenue projections into the next fiscal year to be used for the same purpose.

PART F removes the requirement that unencumbered balances in a dedicated account within the Office of Chief Medical Examiner in excess of \$500 be transferred to the General Fund.

PART G authorizes the balance remaining in the Fund for Women Veterans account in the Veterans Services program within the Department of Defense, Veterans and Emergency Management to be used for software for veterans services.

PART H allows unexpended balances from funds transferred to the Lifetime License Fund in the Department of Inland Fisheries and Wildlife by the Treasurer of State to be carried forward into the next fiscal year to be used for the same purpose.

PART I authorizes the State Controller to transfer funds in fiscal year 2016-17 from the Department of Inland Fisheries and Wildlife, Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Fisheries and Hatcheries Operations program, General Fund account to construct water supply pipelines and update water treatment equipment.

PART J requires any remaining balances at the end of fiscal year 2016-17 in the Capital Expenditures line category in the Department of Inland Fisheries and Wildlife, Fisheries and Hatcheries Operations program, General Fund account to be used for the construction of water supply pipelines and updating of water treatment equipment in fiscal year 2017-18.

PART K allows the Judicial Department to transfer any available balances in the Personal Services line category of General Fund accounts to the Capital Expenditures line category in the Courts - Supreme, Superior and District program, General Fund account in fiscal year 2016-17 and carries any remaining 2016-17 fiscal year-end balances in the Personal Services line category of General Fund accounts and in the Capital Expenditures line category in the Courts - Supreme, Superior and District program, General Fund account to fiscal year 2017-18 in the Capital Expenditures line category in the Courts - Supreme, Superior and District program, General Fund account, for the purpose of making capital improvements to judicial facilities.

PART L requires the State Controller to carry forward unexpended balances in the Department of the Secretary of State, Administration - Archives program Personal Services and All Other line categories as of June 30, 2017, to the All Other line category in the Department of the Secretary of State, Administration - Archives program for use in fiscal year 2017-18.

PART M requires the State Controller to carry forward any unexpended balance as of June 30, 2017, in the All Other line category in the Department of the Secretary of State, Bureau of Administrative Services and Corporations program for use in fiscal year 2017-18 to upgrade software.

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PART N eliminates the requirement that the Maine Community College System make contributions toward payment of the unfunded liability and administrative costs to the Maine Public Employees Retirement System for retirees who elected to participate in a defined contribution plan and repeals the obligation of the Department of Administrative and Financial Services to develop long-term strategies to create funding methods for future salary increases resulting from the Maine Community College System collective bargaining process. This Part also authorizes the transfer of \$13,990,596 to the General Fund that would otherwise lapse to the Salary Plan program.

PART O establishes a reserve fund within the Department of Administrative and Financial Services for the operation of the Maine Military Authority and transfers \$7,000,000 to that fund from the General Fund unappropriated surplus.

PART P establishes the Opioid Health Home Program administered by the Department of Health and Human Services and provides funding for the program.

Public Law 2017, chapter 2 was enacted as an emergency measure effective March 15, 2017.

LD 316 An Act To Authorize a General Fund Bond Issue for Railways CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$50,000,000, will be used for the enhancement of existing railway service and for the expansion of railway service.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 317 An Act To Authorize a General Fund Bond Issue To Improve Highways,
Bridges and Multimodal Facilities CARRIED OVER**

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

The funds provided by this bond issue, in the amount of \$100,000,000, will be used to improve highways, bridges and multimodal facilities in the State.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

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environmental resources.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 319 An Act To Authorize a General Fund Bond Issue for Riverfront Community Development CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 345 An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 382 An Act To Amend the Laws Governing the Issuance of Bonds ONTP

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

This bill makes the following changes to the laws governing the issuance of bonds:

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1. It requires the Governor to issue a general obligation bond that has been ratified by the legal voters of the State unless one of five specific conditions exists, and it requires the Governor to provide certain information upon delaying or forgoing issuance of a bond;
2. It eliminates the requirement that registered bonds bear the facsimile signature of the Governor; and
3. It provides that the bill applies to all general obligation bonds ratified by the voters but as yet unissued as well as all future general obligation bonds ratified by the voters.

LD 390 An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019

**PUBLIC 284
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D	OTP-AM	H-475
HAMPER J	OTP-AM	H-558
	OTP-AM	
	ONTP	

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

This bill as emergency legislation proposes to make unified appropriations and allocations for the expenditures of State Government, General Fund and other funds and change certain provisions of the law necessary to the proper operations of State Government for the fiscal years ending June 30, 2018 and June 30, 2019, as submitted by the Governor pursuant to the Maine Revised Statutes, Title 5. The summary below does not include changes or additions proposed by the Governor’s “Change Package.”

PART A makes appropriations and allocations of funds for the 2018-2019 biennium.

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

PART C establishes the total cost of education from kindergarten to grade 12 for fiscal year 2017-18, the state contribution and the annual target for the state share percentage and makes other statutory changes related to primary and secondary education.

PART D makes changes to personal and corporate income taxes.

PART E makes changes to sales and lodging taxes.

PART F eliminates the Maine estate tax for decedents dying on or after December 31, 2017.

PART G makes changes to the homestead property tax exemption.

PART H repeals the excise tax on telecommunications equipment and repeals the telecommunications equipment exemption from local property taxation.

PART I phases out the business equipment tax reimbursement, or BETR, program and transitions property eligible for the BETR into the business equipment tax exemption, or BETE, program.

PART J eliminates the Board of Tax Appeals.

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PART K permanently sets the transfer to the Local Government Fund for state-municipal revenue sharing at 2%.

PART L provides that the Department of Administrative and Financial Services is responsible for computer systems and applications used across multiple executive branch agencies.

PART M makes changes to the year-end distribution of unreserved General Fund balances.

PART N makes changes to the laws governing the Consensus Economic Forecasting Commission.

PART O transfers responsibility for the supervision and administrative control of risk management insurance to the Office of the State Controller.

PART P authorizes the Department of Administrative and Financial Services, Bureau of General Services to accept contributions from public and private sources for the maintenance, repair and construction of state facilities.

PART Q changes the name of the Maine Centers for Women, Work and Community program to the New Ventures Maine program to reflect the name currently used by the University of Maine System.

PART R repeals the laws governing the Department of Administrative and Financial Services, Office of Information Technology and creates the Department of Technology Services.

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

PART T authorizes the State Tax Assessor to implement a training program to develop the expertise of revenue agents and property appraisers.

PART U transfers \$5,000,000 in each fiscal year of the biennium from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Local & Regional Services - Administration, Other Special Revenue Account within the Department of Administrative and Financial Services.

PART V allows the tax assessment to municipalities for correctional services to be greater than the base assessment.

PART W changes the name of the ConnectME Authority to the Broadband Development Authority and moves it to a newly created Office of Broadband Development within the Department of Economic and Community Development.

PART X recognizes an increase in the attrition rate to 5% for the 2018-2019 biennium for judicial branch and executive branch departments and agencies and removes the attrition requirement for the District Attorneys Salaries program for the 2018-2019 biennium.

PART Y authorizes the Department of Administrative and Financial Services to enter into financing agreements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Central Fleet Management Division within the department's Bureau of General Services.

PART Z authorizes the Department of Administrative and Financial Services to enter into financing agreements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Department of Public Safety, Bureau of State Police.

PART AA authorizes the Department of Administrative and Financial Services on behalf of the Office of Information Technology to enter into financing arrangements, up to a specified limit, for improvements to the State's technology infrastructure and software.

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PART BB provides that lotteries may include draw games such as keno.

PART CC continues the voluntary employee incentive program through the 2018-2019 biennium.

PART DD authorizes the Department of Administrative and Financial Services to identify positions to eliminate as the result of ongoing reorganizations due to efficiencies associated with the implementation of a new human resources and payroll system.

PART EE requires a review of vacant and filled positions, regardless of fund source, in executive branch departments and agencies and authorizes position eliminations to achieve General Fund savings of \$3,500,000 in fiscal year 2018-19.

PART FF authorizes the Maine Governmental Facilities Authority to issue additional securities to pay for the costs of capital repairs and improvements to state-owned facilities and hazardous waste cleanup on state-owned properties.

PART GG moves certain economic analysis activities from the Governor's Office of Policy and Management to the Department of Administrative and Financial Services and expands the mission of the Governor's Office of Policy and Management.

PART HH eliminates the cost of living adjustments to retirement benefits for State Employees and Teachers in each year of the 2018-2019 biennium.

PART II renames the Department of Agriculture's Division of Quality Assurance to the Bureau of Agriculture program and moves the department's Rural Rehabilitation Operating and transfers the remaining balance in the Rural Rehabilitation program, Other Special Revenue Funds to the new program.

PART JJ moves several funds previously located in separate programs separate funds within the Harness Racing Commission program in the Department of Agriculture, Conservation and Forestry.

PART KK transfers remaining balances and moves several funds to the newly named Bureau of Agriculture program.

PART LL moves the Maine Mosquito Management Fund, Integrated Pest Management Fund and Maine Pesticide Education Fund within the Department of Agriculture, Conservation and Forestry to the department's Board of Pesticides Control program.

PART MM moves the Department of Agriculture, Conservation and Forestry's agricultural development fund to the Bureau of Agriculture program within the department.

PART NN moves the Agricultural Water Management and Irrigation Fund within the Department of Agriculture, Conservation and Forestry to the department's Bureau of Agriculture program.

PART OO moves the Maine Milk Commission's Dairy Industry Fund to the Milk Commission program in the Department of Agriculture, Conservation and Forestry.

PART PP moves the Department of Agriculture, Conservation and Forestry's animal welfare auxiliary fund to the Animal Welfare Fund program.

PART QQ eliminates the Maine Coastal Program in the Department of Agriculture, Conservation and Forestry and authorizes the Commissioner of Marine Resources to manage and coordinate the implementation of a state coastal

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zone management program.

PART RR reinstates the authority of municipalities to appoint local sealers of weights and measures if they choose to do so.

PART SS eliminates one Ranger Pilot position in the forest protection unit of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

PART TT increases the conservation easement registry fee.

PART UU transfers remaining balance in the Federal Expenditures Fund and Other Special Revenue Funds in the Division of Plant Industry program in the Department of Agriculture, Conservation and Forestry to the Division of Quality Assurance and Regulation program.

PART VV renames the Forest Health and Monitoring program within the Department of Agriculture, Conservation and Forestry the Forest Resource Management program.

PART WW renames the Division of Quality Assurance and Regulation program within the Department of Agriculture, Conservation and Forestry the Bureau of Agriculture program.

PART XX renames the Coastal Island Registry program within the Department of Agriculture, Conservation and Forestry the Submerged Lands and Island Registry program.

PART YY lapses \$435,088 of unencumbered balance forward in the All Other line category in the Maine Farms for the Future Program, General Fund account in the Department of Agriculture, Conservation and Forestry to the General Fund unappropriated surplus.

PART ZZ lapses \$1,000,000 of unencumbered balance forward in the Personal Services line category in the Division of Forest Protection program, General Fund account in the Department of Agriculture, Conservation and Forestry to the General Fund unappropriated surplus.

PART AAA transfers remaining cash balances in the Department of Agriculture, Conservation and Forestry, Beverage Container Enforcement Fund program, Other Special Revenue Funds account to the General Fund unappropriated surplus.

PART BBB transfers \$500,000 from available balances in Other Special Revenue Funds accounts in the Department of Agriculture, Conservation and Forestry, determined by the Commissioner and excluding the Public Reserves Lands Management Fund, to the General Fund unappropriated surplus, excluding the Public Reserved Lands Management Fund.

PART CCC adds specified positions within the Office of the Attorney General to the list of law enforcement officials authorized to use assigned state-owned vehicles to commute between home and work.

PART DDD authorizes the Attorney General to set the compensation of the Deputy Chief Medical Examiner in consultation with the Chief Medical Examiner and with the approval of the Governor and removes the specific salary schedule reference for the Deputy Chief Medical Examiner.

PART EEE increases the maximum fee allowed to be paid to nonsalaried medical examiners and nonsalaried medicolegal death investigators for an inspection and view.

PART FFF increases the fees charged by the Department of the Attorney General, Office of Chief Medical Examiner for providing report documents and histological slides.

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PART GGG increases the fee charged by a medical examiner for a certificate that is required for cremation and allows this fee to be waived at the discretion of the Chief Medical Examiner.

PART HHH renames the Audit - Departmental Bureau program within the Office of the State Auditor.

PART III renames the Audit - Unorganized Territory program within the Office of the State Auditor.

PART JJJ allows the Department of Corrections to carry unexpended Personal Services balances to the Capital Expenditures line category in the Capital Construction/Repairs/Improvements - Corrections program.

PART KKK authorizes the review of the current organizational structure of the Department of and the transfer of positions and available balances by financial order. Any transfers resulting in a program or mission change or facility closure must have legislative review.

PART LLL authorizes the Department of Corrections to transfer Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purpose of paying departmental overtime expenses in each year of the biennium.

PART MMM lapses the balance in the Prisoner Boarding - Carrying account within the Department of Corrections in fiscal year 2017-18 to the General Fund unappropriated surplus.

PART NNN transfers \$68,163 from the Maine Microenterprise Initiative Fund program, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART OOO transfers \$78 from the Economic Opportunity program, Other Special Revenue Funds account within the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART PPP transfers \$2,765 from the Job Retention Program, Other Special Revenue Funds account within the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART QQQ changes an appointed position's title from Science, Technology, Engineering and Mathematics Workforce Coordinator to Director of Special Projects.

PART RRR eliminates the requirement that the Policy Director of Special Services in the Department of Education supervise the school nurse consultant position.

PART SSS authorizes the Commissioner of Education's designee to appoint and supervise a director of early childhood special education.

PART TTT changes the annual reporting deadline for reports on the performance of the Child Development Services System and provides that the report be made to the Commissioner of Education rather than the joint committees of the Legislature having jurisdiction over education and health and human services.

PART UUU directs the State Controller to transfer \$5,000,000 in each fiscal year of the 2018-2019 biennium, as one-time transfers, from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education.

PART VVV authorizes the Department of Education to enter into lease-purchase agreements for portable learning devices and support systems for students and educators.

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PART WWW authorizes the Maine Health Data Organization to transfer available Personal Services balances up to a specified amount by financial order to the All Other line category in the Maine Health Data Organization, Other Special Revenue Funds account during the biennium.

PART XXX transfers the administration and funding of the Driver Education and Evaluation Programs from the Department of Health and Human Services to the Department of the Secretary of State.

PART YYY repeals the Electronic Benefit Transfer System.

PART ZZZ repeals the laws establishing municipal general assistance.

PART AAAA eliminates the Bone Marrow Screening Fund within the Department of Health and Human Services and eliminates the ability of an individual to designate a portion of that individual's income tax refund for the Bone Marrow Screening Fund.

PART BBBB repeals the law establishing the Comprehensive Cancer Screening, Detection and Prevention Fund within the Department of Health and Human Services.

PART CCCC reassigns the application fee for a retail tobacco license from the General Fund to an Other Special Revenue Funds account in the Maine Center for Disease Control and Prevention, to cover the costs of administering licensing for tobacco retailers.

PART DDDD eliminates the Maine Asthma and Lung Disease Research Fund within the Department of Health and Human Services and eliminates the ability of an individual to designate a portion of the individual's income tax refund for the Maine Asthma and Lung Disease Research Fund.

PART EEEE Establishes a requirement that to be eligible for TANF or food supplement benefits an individual must not have been convicted of a drug-related felony within five years of the date of application or while receiving benefits and repeals the provision that allows the department to administer drug tests to convicted drug felons in the TANF.

PART FFFF makes the numerous changes to the laws governing the Temporary Assistance for Needy Families (TANF) program.

PART GGGG changes the disability determination cutoff from 45 days to 90 days for applications for aid based on a disability, and it eliminates the requirement to provide state-funded temporary medical coverage.

PART HHHH amends the definition of "eligible person" in the municipal general assistance laws to removes persons who are lawfully present in the United States or who is pursuing a lawful process to apply for immigration relief.

PART IIII specifies that the base year for the hospital tax is 2014.

PART JJJJ prohibits the Department of Health and Human Services from obtaining waivers from the United States Department of Agriculture that would expand access to benefits under the statewide food supplement program.

PART KKKK changes provisions of law to make noncitizens ineligible for federal Supplemental Nutrition Assistance Program benefits.

PART LLLL contains transition provisions for the consolidation of accounts from the Department of Health and Human Services, formerly the Department of Behavioral and Developmental Services, to the Department of Health and Human Services.

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PART MMMM authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for both fiscal years of the 2018-2019 biennium.

PART NNNN authorizes the Department of Health and Human Services to transfer by financial order certain available appropriations, including those in Personal Services, among MaineCare, MaineCare-related and non-MaineCare-related accounts and between the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program.

PART OOOO eliminates the authority of the Department of Health and Human Services to transfer dedicated family support services funds between the Developmental Services - Community program and the Office of Aging and Disability Services Central Office program and Long Term Care - Office of Aging and Disability Services program.

PART PPPP authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program to the Crisis Outreach Program for the 2018-2019 biennium.

PART QQQQ authorizes the Department of Health and Human Services to transfer appropriations within the Office of Child and Family Services related to the cost of administering the child welfare program.

PART RRRR renames the Office of the Commissioner program within the Department of Health and Human Services the Department of Health and Human Services Central Operations program.

PART SSSS renames the Division of Licensing and Regulatory Services program within the Department of Health and Human Services the Division of Licensing and Certification program.

PART TTTT authorizes the Department of Health and Human Services to adopt emergency rules to implement provisions of this bill without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART UUUU establishes a statewide public defender system.

PART VVVV delays the funding of the Fiscal Stability Program until the 2020-2021 biennial budget.

PART WWWW directs the State Controller to transfer funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in fiscal year 2017-18 and one replacement aircraft engine in fiscal year 2018-19.

PART XXXX increases compensation of active retired judges and justices of the state courts.

PART YYYY clarifies provisions of law regarding the record search fee schedule established by the State Court and allows the Supreme Judicial Court to raise or establish certain for the purpose of paying the cost of maintaining an electronic filing and court information management system.

PART ZZZZ makes changes to the laws regarding the salaries and removal of the Director of Labor Standards, the Chair of the Maine Unemployment Insurance Commission and the members of the Maine Unemployment Insurance Commission.

PART AAAAA moves the original jurisdiction of employer unemployment appeals cases from the Maine Unemployment Insurance Commission to the Department of Labor, Bureau of Unemployment Compensation,

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Division of Administrative Hearings.

PART BBBBBB repeals the provision of law that prohibits any unencumbered balance in the Competitive Skills Scholarship Fund from being used for a different purpose without legislative approval.

PART CCCCC changes the weekly benefit subtraction factor for partial unemployment and changes the experience rating and the lowest tax.

PART DDDDD authorizes the Department of Labor to identify positions to eliminate as the result of ongoing reorganizations.

PART EEEEE establishes new surcharges on licenses issued by the Department of Marine Resources directed to the Coastal Fisheries Research, Management and Enforcement Fund, Other Special Revenue Funds account established in the department to be used to fund scientific research, management and enforcement activities related to marine resources.

PART FFFFF renames the Board of Registration for Professional Engineers program within the Department of Professional and Financial Regulation the State Board of Licensure for Professional Engineers program.

PART GGGGG relocates the Technical Building Codes and Standards Board from the Department of Public Safety to the Department of Economic and Community Development.

PART HHHHH eliminates the requirement that all indoor pyrotechnic events be monitored by the State Fire Marshal or designee and eliminates the associated fee.

PART IIIII provides that the Executive Director of the Gambling Control Unit has the authority to administer and enforce the provisions of the Maine Revised Statutes governing the conduct of beano and bingo.

PART JJJJJ transfers the oversight, administration and enforcement of beano and bingo from the Chief of the State Police to the Gambling Control Unit within the Department of Public Safety.

PART KKKKK transfers the oversight, administration and enforcement of games of chance from a licensing unit to the Gambling Control Unit within the Department of Public Safety.

PART LLLLL provides that public safety inspectors in the Department of Public Safety, Office of the State Fire Marshal have the right to execute or serve criminal and civil violation process against offenders who violate the National Fire Protection Association No. 101, Life Safety Code.

PART MMMMM amends the law regarding the fee schedule for examinations of plans for construction, reconstruction or repairs submitted to the Department of Public Safety.

PART NNNNN changes the allocations in the Bureau of State Police program in the Department of Public Safety from 35% Highway Fund and 65% General Fund to 100% General Fund.

PART OOOOO transfers \$1,000,000 in unexpended funds from the Gambling Control Board program, Other Special Revenue Funds account in the Department of Public to the General Fund unappropriated surplus.

PART PTTTT authorizes the Maine Governmental Facilities Authority to issue securities in an amount not to exceed \$100,000,000 to be used for capital repairs and improvements to buildings within the University of Maine System.

Committee Amendment "A" (H-473)

This amendment is the majority report of the committee.

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PART A makes appropriations and allocations of funds for the 2018-2019 biennium.

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

PART C establishes the total cost of education from kindergarten to grade 12 for fiscal year 2017-18, the state contribution and the annual target for the state share percentage; and makes other statutory changes related to primary and secondary education.

PARTS D through M are intentionally left blank.

PART N makes changes to the laws governing the Consensus Economic Forecasting Commission.

PART O transfers responsibility for the supervision and administrative control of risk management insurance to the Office of the State Controller.

PART P is intentionally left blank.

PART Q changes the name of the Maine Centers for Women, Work and Community program to the New Ventures Maine program to reflect the name currently used by the University of Maine System.

PART R is intentionally left blank.

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

PART T authorizes the State Tax Assessor to implement a training program to develop the expertise of revenue agents and property appraisers.

PART U is intentionally left blank.

PART V establishes that the base assessment limit for the provision of correctional services in a county budget may not be less than the limit established by law. The Part clarifies that the base assessment limit that carries forward from one year to the next is the amount collected by the county for the provision of correctional services in the prior year.

PART W is intentionally left blank.

PART X recognizes an increase in the attrition rate to 5% for the 2018-2019 biennium for judicial branch and executive branch departments and agencies and removes the attrition requirement for the District Attorneys Salaries program for the 2018-2019 biennium.

PART Y authorizes the Department of Administrative and Financial Services to enter into financing agreements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Central Fleet Management Division within the department's Bureau of General Services.

PART Z authorizes the Department of Administrative and Financial Services to enter into financing agreements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Department of Public Safety, Bureau of State Police.

PARTS AA and BB are intentionally left blank

PART CC continues the voluntary employee incentive program through the 2018-2019 biennium.

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PART DD authorizes the Department of Administrative and Financial Services to identify positions to eliminate as the result of ongoing reorganizations due to efficiencies associated with the implementation of a new human resources and payroll system.

PARTS EE through HH are intentionally left blank.

PART II renames the Department of Agriculture's Division of Quality Assurance to the Bureau of Agriculture program and moves the department's Rural Rehabilitation Operating and transfers the remaining balance in the Rural Rehabilitation program, Other Special Revenue Funds to the new program.

PART JJ moves several funds previously located in separate programs separate funds within the Harness Racing Commission program in the Department of Agriculture, Conservation and Forestry.

PART KK transfers remaining balances and moves several funds to the newly named Bureau of Agriculture program.

PART LL moves the Maine Mosquito Management Fund, Integrated Pest Management Fund and Maine Pesticide Education Fund within the Department of Agriculture, Conservation and Forestry to the department's Board of Pesticides Control program.

PART MM moves the Department of Agriculture, Conservation and Forestry's agricultural development fund to the Bureau of Agriculture program within the department.

PART NN moves the Agricultural Water Management and Irrigation Fund within the Department of Agriculture, Conservation and Forestry to the department's Bureau of Agriculture program.

PART OO moves the Maine Milk Commission's Dairy Industry Fund to the Milk Commission program in the Department of Agriculture, Conservation and Forestry.

PART PP moves the Department of Agriculture, Conservation and Forestry's animal welfare auxiliary fund to the Animal Welfare Fund program.

PART QQ eliminates the Maine Coastal Program in the Department of Agriculture, Conservation and Forestry and authorizes the Commissioner of Marine Resources to manage and coordinate the implementation of a state coastal zone management program.

PART RR reinstates the authority of municipalities to appoint local sealers of weights and measures if they choose to do so.

PART SS eliminates one Ranger Pilot position in the forest protection unit of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

PART TT changes the conservation easement registry fee.

PART UU transfers remaining balance in the Federal Expenditures Fund and Other Special Revenue Funds in the Division of Plant Industry program in the Department of Agriculture, Conservation and Forestry to the Division of Quality Assurance and Regulation program.

PART VV renames the Forest Health and Monitoring program within the Department of Agriculture, Conservation and Forestry the Forest Resource Management program.

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PART WW renames the Division of Quality Assurance and Regulation program within the Department of Agriculture, Conservation and Forestry the Bureau of Agriculture program.

PART XX renames the Coastal Island Registry program within the Department of Agriculture, Conservation and Forestry the Submerged Lands and Island Registry program.

PART YY is intentionally left blank.

PART ZZ lapses \$1,000,000 of unencumbered balance forward in the Personal Services line category in the Division of Forest Protection program, General Fund account in the Department of Agriculture, Conservation and Forestry to the General Fund unappropriated surplus.

PART AAA transfers \$50,722 from the Department of Agriculture, Conservation and Forestry, Beverage Container Enforcement Fund program, Other Special Revenue Funds account to the General Fund unappropriated surplus.

PART BBB transfers \$500,000 from available balances in Other Special Revenue Funds accounts in the Department of Agriculture, Conservation and Forestry, determined by the Commissioner and excluding the Public Reserves Lands Management Fund, to the General Fund unappropriated surplus, excluding the Public Reserved Lands Management Fund.

PART CCC adds specified positions within the Office of the Attorney General to the list of law enforcement officials authorized to use assigned state-owned vehicles to commute between home and work.

PART DDD authorizes the Attorney General to set the compensation of the Deputy Chief Medical Examiner in consultation with the Chief Medical Examiner and removes the specific salary schedule reference for the Deputy Chief Medical Examiner.

PART EEE increases the maximum fee allowed to be paid to nonsalaried medical examiners and nonsalaried medicolegal death investigators for an inspection and view.

PART FFF increases the fees charged by the Department of the Attorney General, Office of Chief Medical Examiner for providing report documents and histological slides.

PART GGG increases the fee charged by a medical examiner for a certificate that is required for cremation and allows this fee to be waived at the discretion of the Chief Medical Examiner.

PART HHH renames the Audit - Departmental Bureau program within the Office of the State Auditor.

PART III renames the Audit - Unorganized Territory program within the Office of the State Auditor.

PART JJJ allows the Department of Corrections to carry unexpended Personal Services balances to the Capital Expenditures line category in the Capital Construction/Repairs/Improvements - Corrections program.

PART KKK authorizes the review of the current organizational structure of the Department of Corrections and the transfer of positions and available balances by financial order. Any transfers resulting in a program or mission change or facility closure must have legislative review.

PART LLL authorizes the Department of Corrections to transfer Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purpose of paying departmental overtime expenses in each year of the biennium.

PART MMM lapses \$1,644,985 from the Prisoner Boarding - Carrying account within the Department of

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Corrections in fiscal year 2017-18 to the General Fund unappropriated surplus.

PART NNN transfers \$68,163 from the Maine Microenterprise Initiative Fund program, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART OOO transfers \$78 from the Economic Opportunity program, Other Special Revenue Funds account within the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART PPP transfers \$2,765 from the Job Retention Program, Other Special Revenue Funds account within the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART QQQ changes an appointed position's title from Science, Technology, Engineering and Mathematics Workforce Coordinator to Director of Special Projects.

PART RRR eliminates the requirement that the Policy Director of Special Services in the Department of Education supervise the school nurse consultant position.

PART SSS authorizes the Commissioner of Education's designee to appoint and supervise a director of early childhood special education.

PART TTT changes the annual reporting deadline for reports on the performance of the Child Development Services System and changes fiscal reporting requirements to include the most recent available federal annual performance report and most recent available annual financial and single audit report.

PART UUU is intentionally left blank.

PART VVV authorizes the Department of Education to enter into lease-purchase agreements for portable learning devices and support systems for students and educators.

PART WWW authorizes the Maine Health Data Organization to transfer available Personal Services balances up to a specified amount by financial order to the All Other line category in the Maine Health Data Organization, Other Special Revenue Funds account during the biennium.

PARTS XXX through ZZZ are intentionally left blank.

PART AAAA eliminates the Bone Marrow Screening Fund within the Department of Health and Human Services and eliminates the ability of an individual to designate a portion of that individual's income tax refund for the Bone Marrow Screening Fund.

PART BBBB repeals the law establishing the Comprehensive Cancer Screening, Detection and Prevention Fund within the Department of Health and Human Services.

PART CCCC reassigns the application fee for a retail tobacco license from the General Fund to an Other Special Revenue Funds account in the Maine Center for Disease Control and Prevention, to cover the costs of administering licensing for tobacco retailers.

PART DDDD eliminates the Maine Asthma and Lung Disease Research Fund within the Department of Health and Human Services and eliminates the ability of an individual to designate a portion of the individual's income tax refund for the Maine Asthma and Lung Disease Research Fund.

PARTS EEEE through KKKK are intentionally left blank.

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PART LLLL contains transition provisions for the consolidation of accounts from the Department of Health and Human Services, formerly the Department of Behavioral and Developmental Services, to the Department of Health and Human Services.

PART MMMM authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for both fiscal years of the 2018-2019 biennium.

PART NNNN is intentionally left blank.

PART OOOO eliminates the authority of the Department of Health and Human Services to transfer dedicated family support services funds between the Developmental Services - Community program and the Office of Aging and Disability Services Central Office program and Long Term Care - Office of Aging and Disability Services program.

PART PPPP authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program to the Crisis Outreach Program for the 2018-2019 biennium.

PART QQQQ authorizes the Department of Health and Human Services to transfer appropriations within the Office of Child and Family Services related to the cost of administering the child welfare program.

PART RRRR renames the Office of the Commissioner program within the Department of Health and Human Services the Department of Health and Human Services Central Operations program.

PART SSSS renames the Division of Licensing and Regulatory Services program within the Department of Health and Human Services the Division of Licensing and Certification program.

PART TTTT authorizes the Department of Health and Human Services to adopt emergency rules to implement provisions of this bill without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART UUUU is intentionally left blank.

PART VVVV delays the funding of the Fiscal Stability Program until the 2020-2021 biennial budget.

PART WWWW directs the State Controller to transfer funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in fiscal year 2017-18 and one replacement aircraft engine in fiscal year 2018-19.

PART XXXX increases compensation of active retired judges and justices of the state courts.

PART YYYY clarifies provisions of law regarding the record search fee schedule established by the State Court and allows the Supreme Judicial Court to raise or establish certain for the purpose of paying the cost of maintaining an electronic filing and court information management system.

PART ZZZZ makes changes to the laws regarding the salaries and removal of the Director of Labor Standards, the Chair of the Maine Unemployment Insurance Commission and the members of the Maine Unemployment Insurance Commission.

PART AAAAA moves the original jurisdiction of employer unemployment appeals cases from the Maine Unemployment Insurance Commission to the Department of Labor, Bureau of Unemployment Compensation,

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PART BBBBBB repeals the provision of law that prohibits any unencumbered balance in the Competitive Skills Scholarship Fund from being used for a different purpose without legislative approval.

PART CCCCC changes the weekly benefit subtraction factor for partial unemployment and changes the experience rating and the lowest tax and provides for automatic increases based on changes to the Consumer Price Index.

PART DDDDD is intentionally left blank.

PART EEEEE establishes new surcharges on licenses issued by the Department of Marine Resources directed to the Coastal Fisheries Research, Management and Enforcement Fund, Other Special Revenue Funds account established in the department to be used to fund scientific research, management and enforcement activities related to marine resources.

PART FFFFF renames the Board of Registration for Professional Engineers program within the Department of Professional and Financial Regulation the State Board of Licensure for Professional Engineers program.

PARTS GGGGG and HHHHH are intentionally left blank.

PART IIIII provides that the Executive Director of the Gambling Control Unit has the authority to administer and enforce the provisions of the Maine Revised Statutes governing the conduct of beano and games of chance.

PART JJJJJ transfers the oversight, administration and enforcement of beano from the Chief of the State Police to the Gambling Control Unit within the Department of Public Safety; reduces some requirements for organizations that conduct beano; permits schools, campgrounds and resorts to conduct beano for the entertainment under certain conditions.

PART KKKKK transfers the oversight, administration and enforcement of games of chance from a licensing unit to the Gambling Control Unit within the Department of Public Safety. It reduces some requirements for organizations that conduct certain games of chance.

PART LLLLL provides that public safety inspectors in the Department of Public Safety, Office of the State Fire Marshal have the right to execute or serve criminal and civil violation process against offenders who violate the National Fire Protection Association No. 101, Life Safety Code.

PART MMMMM amends the law regarding the fee schedule for examinations of plans for construction, reconstruction or repairs submitted to the Department of Public Safety.

PART NNNNN is intentionally left blank.

PART OOOOO transfers \$1,000,000 in unexpended funds from the Gambling Control Board program, Other Special Revenue Funds account in the Department of Public to the General Fund unappropriated surplus.

PART PTTTT authorizes the Maine Governmental Facilities Authority to issue securities in an amount not to exceed \$100,000,000 to be used for capital repairs and improvements to buildings within the University of Maine System.

PARTS QQQQQ through SSSSS are intentionally left blank.

PART TTTTT authorizes the University of Maine System to issue taxable bonds.

PART UUUUU is intentionally left blank.

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PART VVVVVV provides for the creation of nine to 12 school management and leadership centers to provide administrative and education functions in accordance with a voluntary interlocal agreement.

PARTS WWWW through KKKKKK are intentionally left blank.

PART LLLLLL directs the Commissioner of Agriculture, Conservation and Forestry to adjust the fees for testing weighing and measuring devices so as to generate additional undedicated revenue to the General Fund of \$100,000 annually, beginning in fiscal year 2017-18.

PART MMMMMM updates the criteria for service providers included in a request for proposals for an opioid health home grant; identifies the services to be provided to individuals who have been diagnosed with opioid use disorder; and establishes that the funds provided are not to be transferred and may not lapse at the end of the current fiscal year.

PART NNNNNN moves the transfer of \$3,000,000 from the General Fund to the Maine Clean Election Fund from January 1, 2019 to June 1, 2018 and makes an additional transfer of \$1,700,000 from the General Fund to the Maine Clean Election Fund during fiscal year 2018-19.

PART OOOOOO requires the Commissioner of Health and Human Services to identify a minimum of \$30,000,000 in potential General Fund savings in the Department that can be achieved in fiscal year 2018-19 by program eliminations subject to approval of the Legislature. If the Legislature fails to enact legislation during the Second Regular Session of the 128th Legislature, the deappropriation will be transferred by financial order to the Medical Care - Payments to Providers program upon approval of the Governor.

PART PPPPPP amends the duties of the position of Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry.

PART QQQQQQ reestablishes legislative oversight over expenditures from the Public Reserved Lands Management Fund.

PART RRRRRR restores access to community support services for persons with mental illness to those persons who were eligible for those services before the Department of Health and Human Services adopted new eligibility rules in 2016.

PART SSSSSS allows children of state employees to be eligible for the State Children's Health Insurance Program as long as they meet the other eligibility requirements.

PART TTTTTT authorizes funding of the collective bargaining agreement reached by the Judicial Department and four collective bargaining units.

PART UUUUUU is intentionally left blank.

PART VVVVVV provides a working capital advance to the Board of Complementary Health Care Providers from unobligated balances within the Licensing and Enforcement program, Other Special Revenue Funds account from licensing, registration and other fees of professions licensed, certified or registered within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation and directs repayment from fees collected by the board.

PART WWWW requires the State Controller to transfer \$97,600,000 from the General Fund unappropriated surplus to the Fund to Advance Public Kindergarten to Grade 12 Education, Other Special Revenue Funds account within the Department of Education no later than June 30, 2018.

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PART XXXXXX is intentionally left blank.

PART YYYYYYY is intentionally left blank.

This amendment was not adopted.

Committee Amendment "B" (H-474)

This amendment is a minority report of the committee.

PART A makes appropriations and allocations of funds for the 2018-2019 biennium.

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

PART C establishes the total cost of education from kindergarten to grade 12 for fiscal year 2017-18, the state contribution and the annual target for the state share percentage; and makes other statutory changes related to primary and secondary education.

PART D eliminates the 3% income tax surcharge imposed on taxable income in excess of \$200,000 and eliminates the Fund to Advance Public Kindergarten to Grade 12 Education.

PART E increases the sales tax on lodging and expands the provision for sellers required to register to collect and report sales taxes to include online real property rental platforms and room remarketers.

PART F is intentionally left blank.

PART G makes changes to the homestead property tax exemption.

PART H is intentionally left blank.

PART I phases out the business equipment tax reimbursement, or BETR, program and transitions property eligible for the BETR into the business equipment tax exemption, or BETE, program.

PART J is intentionally left blank.

PART K permanently sets the transfer to the Local Government Fund for state-municipal revenue sharing at 2%.

PART L provides that the Department of Administrative and Financial Services is responsible for computer systems and applications used across multiple executive branch agencies.

PART M makes changes to the year-end distribution of unreserved General Fund balances.

PART N makes changes to the laws governing the Consensus Economic Forecasting Commission.

PART O transfers responsibility for the supervision and administrative control of risk management insurance to the Office of the State Controller.

PART P authorizes the Department of Administrative and Financial Services, Bureau of General Services to accept contributions from public and private sources for the maintenance, repair and construction of state facilities.

PART Q changes the name of the Maine Centers for Women, Work and Community program to the New Ventures Maine program to reflect the name currently used by the University of Maine System.

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PART R repeals the laws governing the Department of Administrative and Financial Services, Office of Information Technology and creates the Department of Technology Services.

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

PART T authorizes the State Tax Assessor to implement a training program to develop the expertise of revenue agents and property appraisers.

PART U is intentionally left blank.

PART V repeals the provision of law that places a cap on increases in the tax assessments to municipalities for correctional services and requires the counties to fund the county jails and regional jail and to raise certain minimum amounts for correctional services. It also transfers funding for the second year of the biennium from the unappropriated surplus of the General Fund to the Department of Corrections, Reserve for County Jail Operations program, Other Special Revenue Funds to be allocated only by legislative action.

PART W changes the name of the ConnectME Authority to the Broadband Development Authority and moves it to a newly created Office of Broadband Development within the Department of Economic and Community Development.

PART X recognizes an increase in the attrition rate to 5% for the 2018-2019 biennium for judicial branch and executive branch departments and agencies and removes the attrition requirement for the District Attorneys Salaries program for the 2018-2019 biennium.

PART Y authorizes the Department of Administrative and Financial Services to enter into financing agreements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Central Fleet Management Division within the department's Bureau of General Services.

PART Z authorizes the Department of Administrative and Financial Services to enter into financing agreements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Department of Public Safety, Bureau of State Police.

PART AA authorizes the Department of Administrative and Financial Services on behalf of the Office of Information Technology to enter into financing arrangements, up to a specified limit, for improvements to the State's technology infrastructure and software.

PART BB is intentionally left blank.

PART CC continues the voluntary employee incentive program through the 2018-2019 biennium.

PART DD authorizes the Department of Administrative and Financial Services to identify positions to eliminate as the result of ongoing reorganizations due to efficiencies associated with the implementation of a new human resources and payroll system.

PART EE requires a review of vacant and filled positions, regardless of fund source, in executive branch departments and agencies and authorizes position eliminations to achieve General Fund savings of \$3,500,000 in fiscal year 2018-19.

PART FF authorizes the Maine Governmental Facilities Authority to issue additional securities to pay for the costs of capital repairs and improvements to state-owned facilities and hazardous waste cleanup on state-owned properties.

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PART GG moves certain economic analysis activities from the Governor's Office of Policy and Management to the Department of Administrative and Financial Services and expands the mission of the Governor's Office of Policy and Management.

PART HH is intentionally left blank.

PART II renames the Department of Agriculture's Division of Quality Assurance, the Bureau of Agriculture program and moves the department's Rural Rehabilitation Operating and transfers the remaining balance in the Rural Rehabilitation program, Other Special Revenue Funds to the new program.

PART JJ moves several funds previously located in separate programs separate funds within the Harness Racing Commission program in the Department of Agriculture, Conservation and Forestry.

PART KK transfers remaining balances and moves several funds to the newly named Bureau of Agriculture program.

PART LL moves the Maine Mosquito Management Fund, Integrated Pest Management Fund and Maine Pesticide Education Fund within the Department of Agriculture, Conservation and Forestry to the department's Board of Pesticides Control program.

PART MM moves the Department of Agriculture, Conservation and Forestry's agricultural development fund to the Bureau of Agriculture program within the department.

PART NN moves the Agricultural Water Management and Irrigation Fund within the Department of Agriculture, Conservation and Forestry to the department's Bureau of Agriculture program.

PART OO moves the Maine Milk Commission's Dairy Industry Fund to the Milk Commission program in the Department of Agriculture, Conservation and Forestry.

PART PP moves the Department of Agriculture, Conservation and Forestry's animal welfare auxiliary fund to the Animal Welfare Fund program.

PART QQ eliminates the Maine Coastal Program in the Department of Agriculture, Conservation and Forestry and authorizes the Commissioner of Marine Resources to manage and coordinate the implementation of a state coastal zone management program.

PART RR reinstates the authority of municipalities to appoint local sealers of weights and measures if they choose to do so.

PART SS eliminates one Ranger Pilot position in the forest protection unit of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

PART TT changes the conservation easement registry fee.

PART UU transfers remaining balance in the Federal Expenditures Fund and Other Special Revenue Funds in the Division of Plant Industry program in the Department of Agriculture, Conservation and Forestry to the Division of Quality Assurance and Regulation program.

PART VV renames the Forest Health and Monitoring program within the Department of Agriculture, Conservation and Forestry the Forest Resource Management program.

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PART WW renames the Division of Quality Assurance and Regulation program within the Department of Agriculture, Conservation and Forestry the Bureau of Agriculture program.

PART XX renames the Coastal Island Registry program within the Department of Agriculture, Conservation and Forestry the Submerged Lands and Island Registry program.

PART YY lapses \$435,088 of unencumbered balance forward in the All Other line category in the Maine Farms for the Future Program, General Fund account in the Department of Agriculture, Conservation and Forestry to the General Fund unappropriated surplus.

PART ZZ lapses \$1,000,000 of unencumbered balance forward in the Personal Services line category in the Division of Forest Protection program, General Fund account in the Department of Agriculture, Conservation and Forestry to the General Fund unappropriated surplus.

PART AAA transfers \$50,722 from the Department of Agriculture, Conservation and Forestry, Beverage Container Enforcement Fund program, Other Special Revenue Funds account to the General Fund unappropriated surplus.

PART BBB transfers \$500,000 from available balances in Other Special Revenue Funds accounts in the Department of Agriculture, Conservation and Forestry, determined by the Commissioner and excluding the Public Reserves Lands Management Fund, to the General Fund unappropriated surplus, excluding the Public Reserved Lands Management Fund.

PART CCC adds specified positions within the Office of the Attorney General to the list of law enforcement officials authorized to use assigned state-owned vehicles to commute between home and work.

PART DDD authorizes the Attorney General to set the compensation of the Deputy Chief Medical Examiner in consultation with the Chief Medical Examiner and with the approval of the Governor and removes the specific salary schedule reference for the Deputy Chief Medical Examiner.

PART EEE increases the maximum fee allowed to be paid to nonsalaried medical examiners and nonsalaried medicolegal death investigators for an inspection and view.

PART FFF increases the fees charged by the Department of the Attorney General, Office of Chief Medical Examiner for providing report documents and histological slides.

PART GGG increases the fee charged by a medical examiner for a certificate that is required for cremation and allows this fee to be waived at the discretion of the Chief Medical Examiner.

PART HHH renames the Audit - Departmental Bureau program within the Office of the State Auditor.

PART III renames the Audit - Unorganized Territory program within the Office of the State Auditor.

PART JJJ allows the Department of Corrections to carry unexpended Personal Services balances to the Capital Expenditures line category in the Capital Construction/Repairs/Improvements - Corrections program.

PART KKK authorizes the review of the current organizational structure of the Department of Corrections and the transfer of positions and available balances by financial order. Any transfers resulting in a program or mission change or facility closure must have legislative review.

PART LLL authorizes the Department of Corrections to transfer Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purpose of paying departmental overtime expenses in each year of the biennium.

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PART MMM lapses \$1,644,985 from the Prisoner Boarding - Carrying account within the Department of Corrections in fiscal year 2017-18 to the General Fund unappropriated surplus.

PART NNN transfers \$68,163 from the Maine Microenterprise Initiative Fund program, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART OOO transfers \$78 from the Economic Opportunity program, Other Special Revenue Funds account within the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART PPP transfers \$2,765 from the Job Retention Program, Other Special Revenue Funds account within the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART QQQ changes an appointed position's title from Science, Technology, Engineering and Mathematics Workforce Coordinator to Director of Special Projects.

PART RRR eliminates the requirement that the Policy Director of Special Services in the Department of Education supervise the school nurse consultant position.

PART SSS authorizes the Commissioner of Education's designee to appoint and supervise a director of early childhood special education.

PART TTT changes the annual reporting deadline for reports on the performance of the Child Development Services System and changes fiscal reporting requirements to include the most recent available federal annual performance report and most recent available annual financial and single audit report.

PART UUU directs the State Controller to transfer \$5,000,000 in each fiscal year of the 2018-2019 biennium, as one-time transfers, from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education.

PART VVV authorizes the Department of Education to enter into lease-purchase agreements for portable learning devices and support systems for students and educators.

PART WWW authorizes the Maine Health Data Organization to transfer available Personal Services balances up to a specified amount by financial order to the All Other line category in the Maine Health Data Organization, Other Special Revenue Funds account during the biennium.

PARTS XXX and YYY are intentionally left blank.

PART ZZZ repeals the laws establishing municipal general assistance.

PART AAAA eliminates the Bone Marrow Screening Fund within the Department of Health and Human Services and eliminates the ability of an individual to designate a portion of that individual's income tax refund for the Bone Marrow Screening Fund.

PART BBBB repeals the law establishing the Comprehensive Cancer Screening, Detection and Prevention Fund within the Department of Health and Human Services.

PART CCCC reassigns the application fee for a retail tobacco license from the General Fund to an Other Special Revenue Funds account in the Maine Center for Disease Control and Prevention, to cover the costs of administering licensing for tobacco retailers.

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PART DDDD eliminates the Maine Asthma and Lung Disease Research Fund within the Department of Health and Human Services and eliminates the ability of an individual to designate a portion of the individual's income tax refund for the Maine Asthma and Lung Disease Research Fund.

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PART FFFF makes numerous changes to the laws governing the Temporary Assistance for Needy Families (TANF) program.

PART GGGG changes the disability determination cutoff from 45 days to 90 days for applications for aid based on a disability, and it eliminates the requirement to provide state-funded temporary medical coverage.

PART HHHH amends the definition of "eligible person" in the municipal general assistance laws to removes persons who are lawfully present in the United States or who is pursuing a lawful process to apply for immigration relief.

PART IIII specifies that the base year for the hospital tax is 2014.

PART JJJJ prohibits the Department of Health and Human Services from obtaining waivers from the United States Department of Agriculture that would expand access to benefits under the statewide food supplement program.

PART KKKK changes provisions of law to make noncitizens ineligible for federal Supplemental Nutrition Assistance Program benefits.

PART LLLL contains transition provisions for the consolidation of accounts from the Department of Health and Human Services, formerly the Department of Behavioral and Developmental Services, to the Department of Health and Human Services.

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PART OOOO eliminates the authority of the Department of Health and Human Services to transfer dedicated family support services funds between the Developmental Services - Community program and the Office of Aging and Disability Services Central Office program and Long Term Care - Office of Aging and Disability Services program.

PART PPPP authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program to the Crisis Outreach Program for the 2018-2019 biennium.

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PART RRRR renames the Office of the Commissioner program within the Department of Health and Human Services the Department of Health and Human Services Central Operations program.

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PART TTTT authorizes the Department of Health and Human Services to adopt emergency rules to implement provisions of this bill without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART UUUU amends the laws governing the Maine Commission on Indigent Legal Services; transfers \$16,400,290 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services, Reserve for Indigent Legal Services program, Other Special Revenue Funds and stipulates that funds may not be transferred out of the Reserve for Indigent Legal Services program without legislative approval; establishes the Working Group to Improve the Provision of Indigent Legal Services that is required to report to the Joint Standing Committee on Judiciary which may report out legislation to the Second Regular Session of the 128th Legislature.

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PART PTTTT authorizes the Maine Governmental Facilities Authority to issue securities in an amount not to exceed \$100,000,000 to be used for capital repairs and improvements to buildings within the University of Maine System.

PART QQQQQ clarifies that there are two deputy commissioner positions within the Department of Administrative and Financial Services and authorizes the Commissioner of Administrative and Financial Services to submit a bill in the Second Regular Session of the 128th Legislature to enact the reorganization of the Bureau of General Services.

PART RRRRR transfers \$2,500,000 from General Fund undedicated revenue annually to the Agriculture Promotion Fund in the Department of Agriculture, Conservation and Forestry.

PART SSSSS provides the Commissioner of Corrections authority to inspect, review and take custody of records of county jails related to the funding and operation of county jails and to submit a report to the Joint Standing Committee on Appropriations and Financial Affairs on plans to restructure the funding and operation of county jails and correctional facilities and prisoner population and capacity.

PART TTTTT authorizes the University of Maine System to issue taxable bonds.

PART UUUUU transfers responsibility for the administration of the Fund for the Efficient Delivery of Local and Regional Services from the Department of Administrative and Financial Services to the Department of Economic and Community Development and adds capital grants as a third type of grant available from the fund; current law provides for planning grants and cooperative services grants.

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PART VVVVV provides for the creation of nine to 12 school management and leadership centers to provide administrative and education functions in accordance with a voluntary interlocal agreement.

PART WWWW is intentionally left blank.

PART XXXXX allows the Commissioner of Education to authorize one additional public charter school in each school year through the 2021-2022 school year once the statutory cap of 10 public charter schools is reached.

PART YYYYY establishes an annual open enrollment period for secondary students.

PART ZZZZZ establishes education savings accounts for no more than 100 children with disabilities that may be used by the parents or legal guardians of such children for certain educational purposes.

PART AAAAA adds engaging in training and staff development for identification and provision of intervention services for children with autism to the program functions of the Child Development Services System.

PART BBBBB amends the career and technical education laws to enable career and technical education programs to serve students in grades six to eight.

PART CCCCC requires the University of Maine System, the Maine Community College System and the Maine Maritime Academy to report the cost to students of remedial courses in the subjects of English language arts and mathematics, by school administrative unit for students graduating within the prior three years from a school in that school administrative unit and requires the Commissioner of Education to reduce state subsidy to the school administrative units and to pay those funds to the higher education institution where the students took those remedial courses.

PART DDDDD authorizes the State to bargain for a contract for standard salary and benefits for public education employees in participating school districts and establishes annual targets for the percentage share of expenditures by regional school units on direct instruction.

PART EEEEE directs the Department of Education to review the work of the public-private partnership Count ME and to undertake a comprehensive attendance initiative to address truancy.

PART FFFFF directs the Maine Education Policy Research Institute to include a review of required testing and assessments in schools in the State as part of its work plan and to make recommendations based upon this review to the Joint Standing Committee on Education and Cultural Affairs during the Second Regular Session of the 128th Legislature.

PART GGGGG requires that any remaining balance in the Office of Substance Abuse and Mental Health Services program, General Fund account within the Department of Health and Human Services be carried forward for use by this program in the next fiscal year.

PART HHHHH is intentionally left blank.

PART IIIII requires the Department of Health and Human Services to establish criteria for a grant to be awarded to a provider of services that alert prescribers or dispensers to the drug-related criminal background of patients and to award the grant to the applicant most closely fitting those criteria.

PART JJJJJ authorizes the Department of Health and Human Services to transfer by financial order available Personal Services line category balances in the Office for Family Independence program and the Office for Family Independence - District program to the All Other line category in either the Office for Family Independence program or the Office for Family Independence - District program in order to provide funding for information technology and

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related services.

PART KKKKKK requires that a nonresident concealed handgun permit be issued only to a person who holds a concealed handgun permit in the person's state of residence.

PART LLLLLL directs the Commissioner of Agriculture, Conservation and Forestry to adjust the fees for testing weighing and measuring devices so as to generate additional undedicated revenue to the General Fund of \$100,000 annually, beginning in fiscal year 2017-18.

PARTS MMMMMM through SSSSSS are intentionally left blank.

PART TTTTTT authorizes funding of the collective bargaining agreement reached by the Judicial Department and four collective bargaining units.

PART UUUUUU is intentionally left blank.

PART VVVVVV provides a working capital advance to the Board of Complementary Health Care Providers from unobligated balances within the Licensing and Enforcement program, Other Special Revenue Funds account from licensing, registration and other fees of professions licensed, certified or registered within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation and directs repayment from fees collected by the board.

PART WWWWWW is intentionally left blank.

PART XXXXXX reduces the reimbursement level for critical access hospitals from 109% of MaineCare allowable costs to 107% of MaineCare allowable costs beginning on July 1, 2017.

PART YYYYYY requires a credit \$2,000,000 in fiscal year 2017-18 and \$2,000,000 in fiscal year 2018-19 of the revenues from the real estate transfer tax that would have been deposited into the Housing Opportunities for Maine Fund within the Maine State Housing Authority to the General Fund.

This amendment was not adopted.

Committee Amendment "C" (H-475)

This amendment is a minority report of the committee.

PART A makes appropriations and allocations of funds for the 2018-2019 biennium.

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

PART C establishes the total cost of education from kindergarten to grade 12 for fiscal year 2017-18, the state contribution and the annual target for the state share percentage; and makes other statutory changes related to primary and secondary education.

PART D eliminates the 3% income tax surcharge imposed on taxable income in excess of \$200,000 and eliminates the Fund to Advance Public Kindergarten to Grade 12 Education.

PARTS E and F are intentionally left blank.

PART G makes changes to the homestead property tax exemption.

PART H is intentionally left blank.

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PART I phases out the business equipment tax reimbursement, or BETR, program and transitions property eligible for the BETR into the business equipment tax exemption, or BETE, program.

PARTS J and K are intentionally left blank.

PART L provides that the Department of Administrative and Financial Services is responsible for computer systems and applications used across multiple executive branch agencies.

PART M makes changes to the year-end distribution of unreserved General Fund balances.

PART N makes changes to the laws governing the Consensus Economic Forecasting Commission.

PART O transfers responsibility for the supervision and administrative control of risk management insurance to the Office of the State Controller.

PART P authorizes the Department of Administrative and Financial Services, Bureau of General Services to accept contributions from public and private sources for the maintenance, repair and construction of state facilities.

PART Q changes the name of the Maine Centers for Women, Work and Community program to the New Ventures Maine program to reflect the name currently used by the University of Maine System.

PART R repeals the laws governing the Department of Administrative and Financial Services, Office of Information Technology and creates the Department of Technology Services.

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

PART T authorizes the State Tax Assessor to implement a training program to develop the expertise of revenue agents and property appraisers.

PART U is intentionally left blank.

PART V repeals the provision of law that places a cap on increases in the tax assessments to municipalities for correctional services and requires the counties to fund the county jails and regional jail and to raise certain minimum amounts for correctional services. It also transfers funding for the second year of the biennium from the unappropriated surplus of the General Fund to the Department of Corrections, Reserve for County Jail Operations program, Other Special Revenue Funds to be allocated only by legislative action.

PART W changes the name of the ConnectME Authority to the Broadband Development Authority and moves it to a newly created Office of Broadband Development within the Department of Economic and Community Development.

PART X recognizes an increase in the attrition rate to 5% for the 2018-2019 biennium for judicial branch and executive branch departments and agencies and removes the attrition requirement for the District Attorneys Salaries program for the 2018-2019 biennium.

PART Y authorizes the Department of Administrative and Financial Services to enter into financing agreements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Central Fleet Management Division within the department's Bureau of General Services.

PART Z authorizes the Department of Administrative and Financial Services to enter into financing agreements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Department of Public Safety, Bureau

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of State Police.

PART AA authorizes the Department of Administrative and Financial Services on behalf of the Office of Information Technology to enter into financing arrangements, up to a specified limit, for improvements to the State's technology infrastructure and software.

PART BB is intentionally left blank.

PART CC continues the voluntary employee incentive program through the 2018-2019 biennium.

PART DD authorizes the Department of Administrative and Financial Services to identify positions to eliminate as the result of ongoing reorganizations due to efficiencies associated with the implementation of a new human resources and payroll system.

PART EE requires a review of vacant and filled positions, regardless of fund source, in executive branch departments and agencies and authorizes position eliminations to achieve General Fund savings of \$3,500,000 in fiscal year 2018-19.

PART FF authorizes the Maine Governmental Facilities Authority to issue additional securities to pay for the costs of capital repairs and improvements to state-owned facilities and hazardous waste cleanup on state-owned properties.

PART GG moves certain economic analysis activities from the Governor's Office of Policy and Management to the Department of Administrative and Financial Services and expands the mission of the Governor's Office of Policy and Management.

PART HH is intentionally left blank.

PART II renames the Department of Agriculture's Division of Quality Assurance, the Bureau of Agriculture program and moves the department's Rural Rehabilitation Operating and transfers the remaining balance in the Rural Rehabilitation program, Other Special Revenue Funds to the new program.

PART JJ moves several funds previously located in separate programs separate funds within the Harness Racing Commission program in the Department of Agriculture, Conservation and Forestry.

PART KK transfers remaining balances and moves several funds to the newly named Bureau of Agriculture program.

PART LL moves the Maine Mosquito Management Fund, Integrated Pest Management Fund and Maine Pesticide Education Fund within the Department of Agriculture, Conservation and Forestry to the department's Board of Pesticides Control program.

PART MM moves the Department of Agriculture, Conservation and Forestry's agricultural development fund to the Bureau of Agriculture program within the department.

PART NN moves the Agricultural Water Management and Irrigation Fund within the Department of Agriculture, Conservation and Forestry to the department's Bureau of Agriculture program.

PART OO moves the Maine Milk Commission's Dairy Industry Fund to the Milk Commission program in the Department of Agriculture, Conservation and Forestry.

PART PP moves the Department of Agriculture, Conservation and Forestry's animal welfare auxiliary fund to the

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Animal Welfare Fund program.

PART QQ eliminates the Maine Coastal Program in the Department of Agriculture, Conservation and Forestry and authorizes the Commissioner of Marine Resources to manage and coordinate the implementation of a state coastal zone management program.

PART RR reinstates the authority of municipalities to appoint local sealers of weights and measures if they choose to do so.

PART SS eliminates one Ranger Pilot position in the forest protection unit of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

PART TT changes the conservation easement registry fee.

PART UU transfers remaining balance in the Federal Expenditures Fund and Other Special Revenue Funds in the Division of Plant Industry program in the Department of Agriculture, Conservation and Forestry to the Division of Quality Assurance and Regulation program.

PART VV renames the Forest Health and Monitoring program within the Department of Agriculture, Conservation and Forestry the Forest Resource Management program.

PART WW renames the Division of Quality Assurance and Regulation program within the Department of Agriculture, Conservation and Forestry the Bureau of Agriculture program.

PART XX renames the Coastal Island Registry program within the Department of Agriculture, Conservation and Forestry the Submerged Lands and Island Registry program.

PART YY lapses \$435,088 of unencumbered balance forward in the All Other line category in the Maine Farms for the Future Program, General Fund account in the Department of Agriculture, Conservation and Forestry to the General Fund unappropriated surplus.

PART ZZ lapses \$1,000,000 of unencumbered balance forward in the Personal Services line category in the Division of Forest Protection program, General Fund account in the Department of Agriculture, Conservation and Forestry to the General Fund unappropriated surplus.

PART AAA transfers \$50,722 from the Department of Agriculture, Conservation and Forestry, Beverage Container Enforcement Fund program, Other Special Revenue Funds account to the General Fund unappropriated surplus.

PART BBB transfers \$500,000 from available balances in Other Special Revenue Funds accounts in the Department of Agriculture, Conservation and Forestry, determined by the Commissioner and excluding the Public Reserves Lands Management Fund, to the General Fund unappropriated surplus, excluding the Public Reserved Lands Management Fund.

PART CCC adds specified positions within the Office of the Attorney General to the list of law enforcement officials authorized to use assigned state-owned vehicles to commute between home and work.

PART DDD authorizes the Attorney General to set the compensation of the Deputy Chief Medical Examiner in consultation with the Chief Medical Examiner and with the approval of the Governor and removes the specific salary schedule reference for the Deputy Chief Medical Examiner.

PART EEE increases the maximum fee allowed to be paid to nonsalaried medical examiners and nonsalaried medicolegal death investigators for an inspection and view.

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PART FFF increases the fees charged by the Department of the Attorney General, Office of Chief Medical Examiner for providing report documents and histological slides.

PART GGG increases the fee charged by a medical examiner for a certificate that is required for cremation and allows this fee to be waived at the discretion of the Chief Medical Examiner.

PART HHH renames the Audit - Departmental Bureau program within the Office of the State Auditor.

PART III renames the Audit - Unorganized Territory program within the Office of the State Auditor.

PART JJJ allows the Department of Corrections to carry unexpended Personal Services balances to the Capital Expenditures line category in the Capital Construction/Repairs/Improvements - Corrections program.

PART KKK authorizes the review of the current organizational structure of the Department Corrections of and the transfer of positions and available balances by financial order. Any transfers resulting in a program or mission change or facility closure must have legislative review.

PART LLL authorizes the Department of Corrections to transfer Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purpose of paying departmental overtime expenses in each year of the biennium.

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PART SSSSS provides the Commissioner of Corrections authority to inspect, review and take custody of records of county jails related to the funding and operation of county jails and to submit a report to the Joint Standing Committee on Appropriations and Financial Affairs on plans to restructure the funding and operation of county jails and correctional facilities and prisoner population and capacity.

PART TTTTTT authorizes the University of Maine System to issue taxable bonds.

PART UUUUU transfers responsibility for the administration of the Fund for the Efficient Delivery of Local and Regional Services from the Department of Administrative and Financial Services to the Department of Economic and Community Development and adds capital grants as a third type of grant available from the fund; current law provides for planning grants and cooperative services grants.

PART VVVVV provides for the creation of nine to 12 school management and leadership centers to provide administrative and education functions in accordance with a voluntary interlocal agreement.

PART WWWW is intentionally left blank.

PART XXXXX allows the Commissioner of Education to authorize one additional public charter school in each school year through the 2021-2022 school year once the statutory cap of 10 public charter schools is reached.

PART YYYYYY establishes an annual open enrollment period for secondary students.

PART ZZZZZ establishes education savings accounts for no more than 100 children with disabilities that may be used by the parents or legal guardians of such children for certain educational purposes.

PART AAAAAA adds engaging in training and staff development for identification and provision of intervention services for children with autism to the program functions of the Child Development Services System.

PART BBBBBB amends the career and technical education laws to enable career and technical education programs to serve students in grades six to eight.

PART CCCCCC requires the University of Maine System, the Maine Community College System and the Maine Maritime Academy to report the cost to students of remedial courses in the subjects of English language arts and mathematics, by school administrative unit for students graduating within the prior three years from a school in that school administrative unit and requires the Commissioner of Education to reduce state subsidy to the school administrative units and to pay those funds to the higher education institution where the students took those remedial courses.

PART DDDDDD authorizes the State to bargain for a contract for standard salary and benefits for public education employees in participating school districts and establishes annual targets for the percentage share of expenditures by regional school units on direct instruction.

PART EEEEEE directs the Department of Education to review the work of the public-private partnership Count ME and to undertake a comprehensive attendance initiative to address truancy.

PART FFFFFFF directs the Maine Education Policy Research Institute to include a review of required testing and assessments in schools in the State as part of its work plan and to make recommendations based upon this review to the Joint Standing Committee on Education and Cultural Affairs during the Second Regular Session of the 128th Legislature.

PART GGGGGG requires that any remaining balance in the Office of Substance Abuse and Mental Health Services

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program, General Fund account within the Department of Health and Human Services be carried forward for use by this program in the next fiscal year.

PART HHHHHH is intentionally left blank.

PART IIIIII requires the Department of Health and Human Services to establish criteria for a grant to be awarded to a provider of services that alert prescribers or dispensers to the drug-related criminal background of patients and to award the grant to the applicant most closely fitting those criteria.

PART JJJJJJ authorizes the Department of Health and Human Services to transfer by financial order available Personal Services line category balances in the Office for Family Independence program and the Office for Family Independence - District program to the All Other line category in either the Office for Family Independence program or the Office for Family Independence - District program in order to provide funding for information technology and related services.

PART KKKKKK is intentionally left blank.

PART LLLLLL directs the Commissioner of Agriculture, Conservation and Forestry to adjust the fees for testing weighing and measuring devices so as to generate additional undedicated revenue to the General Fund of \$100,000 annually, beginning in fiscal year 2017-18.

PART MMMMMM updates the criteria for service providers included in a request for proposals for an opioid health home grant; identifies the services to be provided to individuals who have been diagnosed with opioid use disorder; and establishes that the funds provided are not to be transferred and may not lapse at the end of the current fiscal year.

PARTS NNNNNN through RRRRRR are intentionally left blank.

PART SSSSSS allows children of state employees to be eligible for the State Children’s Health Insurance Program as long as they meet the other eligibility requirements.

PART TTTTTT authorizes funding of the collective bargaining agreement reached by the Judicial Department and four collective bargaining units.

Part UUUUUU is intentionally left blank.

PART VVVVVV provides a working capital advance to the Board of Complementary Health Care Providers from unobligated balances within the Licensing and Enforcement program, Other Special Revenue Funds account from licensing, registration and other fees of professions licensed, certified or registered within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation and directs repayment from fees collected by the board.

COMMITTEE OF CONFERENCE AMENDMENT “C” to COMMITTEE AMENDMENT “C” (H-558)

This amendment is the unanimous report of the 4th Committee of Conference for this bill. This amendment strikes all of Committee Amendment "C" except for Part A and Part B and inserts Parts C through SSSSSS, which are all summarized under the "Enacted Law Summary."

Enacted Law Summary

Public Law 2017, chapter 284 does the following (please note that omitted language parts were intentionally left blank):

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PART A makes appropriations and allocations of funds for the 2018-2019 biennium. The appropriations and allocations contained in Parts A and B may be partially or wholly offset or appended by appropriations and allocations found in Part ZZZZZZ of this act.

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

PART C establishes the total cost of education from kindergarten to grade 12 for fiscal year 2017-18, the state contribution and the annual target for the state share percentage; and makes other statutory changes related to primary and secondary education.

PART D eliminates the 3% income tax surcharge imposed on taxable income in excess of \$200,000 and eliminates the Fund to Advance Public Kindergarten to Grade 12 Education.

PART G makes changes to the homestead property tax exemption.

PART N makes changes to the laws governing the Consensus Economic Forecasting Commission.

PART O transfers responsibility for the supervision and administrative control of risk management insurance to the Office of the State Controller.

PART P authorizes the Department of Administrative and Financial Services, Bureau of General Services to accept contributions from public and private sources for the maintenance, repair and construction of state facilities.

PART Q changes the name of the Maine Centers for Women, Work and Community program to the New Ventures Maine program to reflect the name currently used by the University of Maine System.

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

PART T authorizes the State Tax Assessor to implement a training program to develop the expertise of revenue agents and property appraisers.

PART V increases the cap on the year-to-year increase that counties may charge municipalities for correctional services. It also transfers funding for the second year of the biennium from the unappropriated surplus of the General Fund to the Department of Corrections, Reserve for County Jail Operations program, Other Special Revenue Funds to be allocated only by legislative action.

PART X recognizes an increase in the attrition rate to 5% for the biennium for judicial branch and executive branch departments and agencies and removes the attrition requirement for the District Attorneys Salaries program for the biennium.

PART Y authorizes the Department of Administrative and Financial Services to enter into financing agreements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Central Fleet Management Division within the department's Bureau of General Services.

PART Z authorizes the Department of Administrative and Financial Services to enter into financing agreements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Department of Public Safety, Bureau of State Police.

PART AA authorizes the Department of Administrative and Financial Services to enter into financing arrangements, up to a specified limit, for improvements to the State's technology infrastructure and software.

PART CC continues the voluntary employee incentive program through the biennium.

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PART DD authorizes the Department of Administrative and Financial Services to identify positions to eliminate as the result of ongoing reorganizations due to efficiencies associated with the implementation of a new human resources and payroll system.

PART EE requires a review of vacant positions, regardless of fund source, in executive branch departments and agencies and authorizes position eliminations to achieve General Fund savings of \$3,000,000 in fiscal year 2018-19.

PART FF authorizes the Maine Governmental Facilities Authority to issue additional securities to pay for the costs of capital repairs and improvements to state-owned facilities and hazardous waste cleanup on state-owned properties.

PART GG moves certain economic analysis activities from the Governor's Office of Policy and Management to the Department of Administrative and Financial Services and expands the mission of the Governor's Office of Policy and Management.

PART II renames the Department of Agriculture's Division of Quality Assurance the Bureau of Agriculture program and moves the department's Rural Rehabilitation Operating and transfers the remaining balance in the Rural Rehabilitation program, Other Special Revenue Funds to the new program.

PART JJ moves several funds previously located in separate programs separate funds within the Harness Racing Commission program in the Department of Agriculture, Conservation and Forestry.

PART KK transfers remaining balances and moves several funds to the newly named Bureau of Agriculture program.

PART LL moves the Maine Mosquito Management Fund, Integrated Pest Management Fund and Maine Pesticide Education Fund within the Department of Agriculture, Conservation and Forestry to the department's Board of Pesticides Control program.

PART MM moves the Department of Agriculture, Conservation and Forestry's agricultural development fund to the Bureau of Agriculture program within the department.

PART NN moves the Agricultural Water Management and Irrigation Fund within the Department of Agriculture, Conservation and Forestry to the department's Bureau of Agriculture program.

PART OO moves the Maine Milk Commission's Dairy Industry Fund to the Milk Commission program in the Department of Agriculture, Conservation and Forestry.

PART PP moves the Department of Agriculture, Conservation and Forestry's animal welfare auxiliary fund to the Animal Welfare Fund program.

PART QQ eliminates the Maine Coastal Program in the Department of Agriculture, Conservation and Forestry and authorizes the Commissioner of Marine Resources to manage and coordinate the implementation of a state coastal zone management program.

PART SS eliminates one Ranger Pilot position in the forest protection unit of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

PART TT changes the conservation easement registry fee.

PART UU transfers remaining balance in the Federal Expenditures Fund and Other Special Revenue Funds in the

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Division of Plant Industry program in the Department of Agriculture, Conservation and Forestry to the Division of Quality Assurance and Regulation program.

PART VV renames the Forest Health and Monitoring program within the Department of Agriculture, Conservation and Forestry the Forest Resource Management program.

PART WW renames the Division of Quality Assurance and Regulation program within the Department of Agriculture, Conservation and Forestry the Bureau of Agriculture program.

PART XX renames the Coastal Island Registry program within the Department of Agriculture, Conservation and Forestry the Submerged Lands and Island Registry program.

PART YY lapses \$435,088 of unencumbered balance forward in the All Other line category in the Maine Farms for the Future Program, General Fund account in the Department of Agriculture, Conservation and Forestry to the General Fund unappropriated surplus.

PART ZZ lapses \$1,000,000 of unencumbered balance forward in the Personal Services line category in the Division of Forest Protection program, General Fund account in the Department of Agriculture, Conservation and Forestry to the General Fund unappropriated surplus.

PART AAA transfers \$58,047 from the Department of Agriculture, Conservation and Forestry, Beverage Container Enforcement Fund program, Other Special Revenue Funds account to the General Fund unappropriated surplus.

PART BBB transfers \$500,000 from available balances in Other Special Revenue Funds accounts in the Department of Agriculture, Conservation and Forestry, determined by the Commissioner and excluding the Public Reserves Lands Management Fund, to the General Fund unappropriated surplus.

PART CCC adds specified positions within the Office of the Attorney General to the list of law enforcement officials authorized to use assigned state-owned vehicles to commute between home and work.

PART DDD authorizes the Attorney General to set the compensation of the Deputy Chief Medical Examiner in consultation with the Chief Medical Examiner and with the approval of the Governor and removes the specific salary schedule reference for the Deputy Chief Medical Examiner.

PART EEE increases the maximum fee allowed to be paid to nonsalaried medical examiners and nonsalaried medicolegal death investigators for an inspection and view.

PART FFF increases the fees charged by the Department of the Attorney General, Office of Chief Medical Examiner for providing report documents and histological slides.

PART GGG increases the fee charged by a medical examiner for a certificate that is required for cremation and allows this fee to be waived at the discretion of the Chief Medical Examiner.

PART HHH renames the Audit - Departmental Bureau program within the Office of the State Auditor.

PART III renames the Audit - Unorganized Territory program within the Office of the State Auditor.

PART JJJ allows the Department of Corrections to carry unexpended Personal Services balances to the Capital Expenditures line category in the Capital Construction/Repairs/Improvements - Corrections program.

PART KKK authorizes the of review the current organizational structure of the Department of Corrections and the transfer of positions and available balances by financial order. Any transfers resulting in a program or mission

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change or facility closure must have legislative review.

PART LLL authorizes the Department of Corrections to transfer Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purpose of paying departmental overtime expenses in each year of the biennium.

PART MMM lapses \$1,644,985 from the Prisoner Boarding - Carrying account within the Department of Corrections in fiscal year 2017-18 to the General Fund unappropriated surplus.

PART NNN transfers \$68,163 from the Maine Microenterprise Initiative Fund program, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART OOO transfers \$78 from the Economic Opportunity program, Other Special Revenue Funds account within the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART PPP transfers \$2,765 from the Job Retention Program, Other Special Revenue Funds account within the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

PART QQQ changes an appointed position's title from Science, Technology, Engineering and Mathematics Workforce Coordinator to Director of Special Projects.

PART RRR eliminates the requirement that the Policy Director of Special Services in the Department of Education supervise the school nurse consultant position.

PART SSS authorizes the Commissioner of Education's designee to appoint and supervise a director of early childhood special education.

PART UUU directs the State Controller to transfer \$5,000,000 in each fiscal year of the biennium, as one-time transfers, from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education.

PART VVV authorizes the Department of Education to enter into lease-purchase agreements for portable learning devices and support systems for students and educators.

PART WWW authorizes the Maine Health Data Organization to transfer available Personal Services balances up to a specified amount by financial order to the All Other line category in the Maine Health Data Organization, Other Special Revenue Funds account during the biennium.

PART AAAA eliminates the Bone Marrow Screening Fund within the Department of Health and Human Services and eliminates the ability of an individual to designate a portion of that individual's income tax refund for the Bone Marrow Screening Fund.

PART BBBB repeals the law establishing the Comprehensive Cancer Screening, Detection and Prevention Fund within the Department of Health and Human Services.

PART CCCC reassigns the application fee for a retail tobacco license from the General Fund to an Other Special Revenue Funds account in the Maine Center for Disease Control and Prevention, to cover the costs of administering licensing for tobacco retailers.

PART DDDD eliminates the Maine Asthma and Lung Disease Research Fund within the Department of Health and Human Services and eliminates the ability of an individual to designate a portion of the individual's income tax

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refund for the Maine Asthma and Lung Disease Research Fund.

PART IIII specifies that the base year for the hospital tax is 2014.

PART LLLL contains transition provisions for the consolidation of accounts from the Department of Health and Human Services, formerly the Department of Behavioral and Developmental Services, to the Department of Health and Human Services.

PART MMMM authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for both fiscal years of the biennium.

PART NNNN authorizes the Department of Health and Human Services to transfer by financial order certain available appropriations, including those in Personal Services, among MaineCare, MaineCare-related and non-MaineCare-related accounts and between the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program.

PART OOOO eliminates the authority of the Department of Health and Human Services to transfer dedicated family support services funds between the Developmental Services - Community program and the Office of Aging and Disability Services Central Office program and Long Term Care - Office of Aging and Disability Services program.

PART PPPP authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program to the Crisis Outreach Program for the biennium.

PART QQQQ authorizes the Department of Health and Human Services to transfer appropriations within the Office of Child and Family Services related to the cost of administering the child welfare program.

PART RRRR renames the Office of the Commissioner program within the Department of Health and Human Services the Department of Health and Human Services Central Operations program.

PART SSSS renames the Division of Licensing and Regulatory Services program within the Department of Health and Human Services the Division of Licensing and Certification program.

PART TTTT authorizes the Department of Health and Human Services to adopt emergency rules to implement provisions of this bill without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART UUUU amends the laws governing the Maine Commission on Indigent Legal Services; transfers \$16,400,290 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services, Reserve for Indigent Legal Services program, Other Special Revenue Funds and stipulates that funds may not be transferred out of the Reserve for Indigent Legal Services program without legislative approval; establishes the Working Group to Improve the Provision of Indigent Legal Services that is required to report to the Joint Standing Committee on Judiciary which may report out legislation to the Second Regular Session of the 128th Legislature.

PART VVVV suspends the fiscal stability program for the biennium.

PART WWWW transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in each year of the biennium.

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PART XXXX increases compensation of active retired judges and justices of the state courts.

PART YYYY clarifies provisions of law regarding the record search fee schedule established by the State Court and allows the Supreme Judicial Court to raise or establish certain for the purpose of paying the cost of maintaining an electronic filing and court information management system.

PART ZZZZ makes changes to the laws regarding the salaries and removal of the Director of Labor Standards, the Chair of the Maine Unemployment Insurance Commission and the members of the Maine Unemployment Insurance Commission.

PART AAAAA moves the original jurisdiction of employer unemployment appeals cases from the Maine Unemployment Insurance Commission to the Department of Labor, Bureau of Unemployment Compensation, Division of Administrative Hearings.

PART BBBBB repeals the provision of law that prohibits any unencumbered balance in the Competitive Skills Scholarship Fund from being used for a different purpose without legislative approval.

PART CCCCC changes the weekly benefit subtraction factor for partial unemployment and changes the experience rating and the lowest tax.

PART DDDDD authorizes the Department of Labor to identify positions to eliminate as the result of ongoing reorganizations.

PART EEEEE establishes new surcharges on licenses issued by the Department of Marine Resources directed to the Coastal Fisheries Research, Management and Enforcement Fund, Other Special Revenue Funds account established in the department to be used to fund scientific research, management and enforcement activities related to marine resources.

PART FFFFF renames the Board of Registration for Professional Engineers program within the Department of Professional and Financial Regulation the State Board of Licensure for Professional Engineers program.

PART IIIII provides that the Executive Director of the Gambling Control Unit has the authority to administer and enforce the provisions of the Maine Revised Statutes governing the conduct of beano and games of chance.

PART JJJJ transfers the oversight, administration and enforcement of beano from the Chief of the State Police to the Gambling Control Unit within the Department of Public Safety; reduces some requirements for organizations that conduct beano; permits schools, campgrounds and resorts to conduct beano for the entertainment under certain conditions.

PART KKKKK transfers the oversight, administration and enforcement of games of chance from a licensing unit to the Gambling Control Unit within the Department of Public Safety. It reduces some requirements for organizations that conduct certain games of chance.

PART LLLLL provides that public safety inspectors in the Department of Public Safety, Office of the State Fire Marshal have the right to execute or serve criminal and civil violation process against offenders who violate the National Fire Protection Association No. 101, Life Safety Code.

PART MMMMM amends the law regarding the fee schedule for examinations of plans for construction, reconstruction or repairs submitted to the Department of Public Safety.

PART OOOOO transfers \$2,000,000 in unexpended funds from the Gambling Control Board program, Other Special Revenue Funds account in the Department of Public to the General Fund unappropriated surplus.

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PART P P P P P increases the baseline appropriation for the Debt Service-UMS program within the University of Maine System to support a revenue bond for a specified project.

PART Q Q Q Q Q clarifies that there are two deputy commissioner positions within the Department of Administrative and Financial Services and authorizes the Commissioner of Administrative and Financial Services to submit a bill in the Second Regular Session of the 128th Legislature to enact the reorganization of the Bureau of General Services.

PART R R R R R transfers \$500,000 from General Fund undedicated revenue annually to the Agriculture Promotion Fund in the Department of Agriculture, Conservation and Forestry.

PART S S S S S provides the Commissioner of Corrections authority to inspect, review and take custody of records of county jails related to the funding and operation of county jails and to submit a report to the Joint Standing Committee on Appropriations and Financial Affairs on plans to restructure the funding and operation of county jails and correctional facilities and prisoner population and capacity.

PART T T T T T authorizes the University of Maine System to issue taxable bonds.

PART V V V V V provides for the creation of nine to 12 school management and leadership centers to provide administrative and education functions in accordance with a voluntary interlocal agreement.

PART X X X X X allows the Commissioner of Education to authorize one additional public charter school in each school year through the 2021-2022 once the statutory cap of 10 public charter schools is reached.

PART A A A A A adds engaging in training and staff development for identification and provision of intervention services for children with autism to the program functions of the Child Development Services System.

PART E E E E E directs the Department of Education to review the work of the public-private partnership Count ME In and to undertake a comprehensive attendance initiative to address truancy.

PART G G G G G requires that any remaining balance in the Office of Substance Abuse and Mental Health Services program, General Fund account within the Department of Health and Human Services be carried forward for use by this program in the next fiscal year.

PART I I I I I requires the Department of Health and Human Services to establish criteria for a grant to be awarded to a provider of services that alert prescribers or dispensers to the drug-related criminal background of patients and to award the grant to the applicant most closely fitting those criteria.

PART J J J J J authorizes the Department of Health and Human Services to transfer by financial order available Personal Services line category balances in the Office for Family Independence program and the Office for Family Independence - District program to the All Other line category in either the Office for Family Independence program or the Office for Family Independence - District program in order to provide funding for information technology and related services.

PART L L L L L directs the Commissioner of Agriculture, Conservation and Forestry to adjust the fees for testing weighing and measuring devices so as to generate additional undedicated revenue to the General Fund of \$100,000 annually, beginning in fiscal year 2017-18.

PART N N N N N transfers \$3,000,000, currently authorized to be transferred on or before January 1, 2019, from the General Fund to the Maine Clean Election Fund on or before June 1, 2018.

PART P P P P P amends the duties of the position of Director of the Bureau of Parks and Lands within the

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Department of Agriculture, Conservation and Forestry.

PART SSSSSS allows children of state employees to be eligible for the State Children's Health Insurance Program as long as they meet the other eligibility requirements.

PART TTTTTT authorizes funding of the collective bargaining agreement reached by the Judicial Department and 4 collective bargaining units.

PART VVVVVV provides a working capital advance to the Board of Complementary Health Care Providers from unobligated balances within the Licensing and Enforcement program, Other Special Revenue Funds account from licensing, registration and other fees of professions licensed, certified or registered within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation and directs repayment from fees collected by the board.

PART YYYYYY reverses Part A allocations due to the elimination of the increase in the lodging tax in the Committee of Conference amendment and allocates \$575,000 in each year of the biennium for additional Head Start services using Temporary Assistance for Needy Families federal block grant funds.

PART ZZZZZZ makes appropriations and allocations necessary to carry out the purposes of the adopted Committee of Conference amendment. The appropriations and allocations contained in Parts A and B may be partially or wholly offset or appended by appropriations and allocations found in this part.

PART AAAAAA credits the first \$2,500,000 of the revenues from the real estate transfer tax that would have been deposited into the Housing Opportunities for Maine Fund within the Maine State Housing Authority to the General Fund in each fiscal year of the biennium.

PART BBBBBB lapses \$2,500,000 from the Legislature, General Fund account to the unappropriated surplus of the General fund in each year of the biennium.

PART CCCCCC transfers from the Unclaimed Property Fund to the Maine Budget Stabilization Fund any amount in the Unclaimed Property Fund in excess of \$5,767,234 by June 30, 2017 and transfers \$2,000,000 from the Maine Budget Stabilization Fund to the General Fund unappropriated surplus by June 30, 2018.

PART EEEEEEE transfers up to \$65,000,000 from the Maine Budget Stabilization Fund to a General Fund reserve account for the Department of Health and Human Services pending a notice and reconsideration of disallowance from the federal Centers for Medicare and Medicaid Services, dated June 7, 2017, related to the Riverview Psychiatric Center.

PART FFFFFFF requires the State Controller to carry any remaining balance in the Office of Treasurer of State, Debt Service program from fiscal year 2016-17 and 2017-18 into the following fiscal year.

PART GGGGGG requires the State Controller to carry forward into the following fiscal year for each year of the biennium any remaining balance in the Fund for Efficient Delivery of Local and Regional Services program in the Department of Economic and Community Development.

PART HHHHHH transfers \$16,200,000 from available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation, as determined by the Commissioner, to the General Fund unappropriated surplus at the close of fiscal year 2017-18.

PART IIIIII transfers \$6,000,000 total from two court settlements reached by the State to the General Fund unappropriated surplus. The Attorney General has confirmed that the specified use of the funds to be transferred by this Part is consistent with the terms of the court orders.

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PART JJJJJJ provides that at least 50% of the increase in the state share of the total cost of public education must be used to lower the local contributions to the total cost of education under specified conditions.

PART KKKKKKK requires the State Controller to carry forward into the following fiscal year for each year of the biennium any remaining balance in the Debt Service - Government Facilities Authority program.

PART LLLLLLL provides additional funding for the Doctors for Maine's Future Scholarship Fund in each year of the biennium through specified transfers from the Board of Licensure in Medicine, Department of Professional and Financial Regulation, Other Special Revenue Funds account and the Board of Osteopathic Licensure, Department of Professional and Financial Regulation, Other Special Revenue Funds.

PART MMMMMM requires the Department of Health and Human Services to increase the rates, proportional to the additional funding provided, for home-based and community-based personal care and related services referenced in the February 1, 2016 report "Rate Review for Personal Care and Related Services: Final Rate Models" prepared for the department by Burns & Associates, Inc. and for certain procedure codes provided in Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 21 and 29.

PART NNNNNNN makes changes to the statutes relating to the Aid to Families with Dependent Children program, food supplement program, MaineCare, TANF and ASPIRE-TANF programs administered by the Department of Health and Human Services.

PART QQQQQQQ authorizes the issuance of payroll checks to employees of the executive branch departments and independent agencies, the Legislature and the Judicial Department who were declared emergency personnel during the civil emergency based on the Governor's declaration of a civil emergency and who were not declared emergency personnel and were prohibited from working during the civil emergency based on the Governor's declaration of a civil emergency.

PART RRRRRRR adds duties for the Maine Children's Growth Council.

PART SSSSSSS prohibits the Department of Health and Human Services from beginning any rule-making procedure connected with rate reductions for reimbursement levels under Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65 through June 30, 2019, unless legislative approval has been received.

Public Law 2017, chapter 284 was enacted as an emergency measure effective July 4, 2017.

LD 391 An Act To Provide Funding for Maine Public

**Leave to Withdraw
Pursuant to Joint
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E MILLETT R		

This bill provides ongoing funds to maintain the annual funding levels to Maine Public, formerly known as Maine Public Broadcasting Corporation.

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LD 409 An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System

PUBLIC 88

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J	OTP-AM	S-99

This bill makes the following changes to the laws governing the Maine Public Employees Retirement System:

1. It replaces the term "physician" with "medical provider" and defines "medical provider" to include physicians and clinical psychologists, which permits clinical psychologists to be included in the composition of the medical board and for other medical consultations;
2. It clarifies that the board member who represents participating local districts may be either an active or retired member;
3. It clarifies the basis on which disability benefits for members of the Legislative Retirement Program are determined;
4. It clarifies that any property owned by the retirement system is tax exempt;
5. It gives the joint standing committee of the Legislature having jurisdiction over public employee retirement matters the authority to report out legislation as recommended by the board of trustees to improve the retirement system;
6. It replaces obsolete language regarding the retirement system budgeting process;
7. It corrects a reference to the legislative jurisdiction that pertains to matters relating to the retirement system;
8. It clarifies the treatment of retirement system assets;
9. It clarifies the disposition of funds appropriated to subsidize the purchase of military service credit for specific members who subsequently decline to purchase service credit or are able to purchase service credit without subsidy;
10. It changes the manner in which disability retirement benefits are calculated for less than full-time members;
11. It clarifies that assets of the group life insurance program may only be used for benefits for participants of employers for which the assets are attributable; and
12. It removes obsolete language.

Committee Amendment "A" (S-99)

This amendment makes the following changes to the bill.

1. It further clarifies the purposes for which the assets of the group life insurance program may not be used.
2. It changes the board meeting requirements.
3. It updates references to the Governmental Accounting Standards Board Statements that apply to postemployment benefits.

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4. It removes the provisions in the bill that make changes to how disability retirement benefits are calculated for part-time or seasonal employees.

Enacted Law Summary

Public Law 2017, chapter 88 makes the following changes to the laws governing the Maine Public Employees Retirement System:

1. It replaces the term "physician" with "medical provider" and defines "medical provider" to include physicians and clinical psychologists, which permits clinical psychologists to be included in the composition of the medical board and for other medical consultations;
2. It clarifies that the board member who represents participating local districts may be either an active or retired member;
3. It changes the board meeting requirements to allow board meetings to be held as needed;
4. It clarifies the basis on which disability benefits for members of the Legislative Retirement Program are determined;
5. It clarifies that any property owned by the retirement system is tax exempt;
6. It gives the joint standing committee of the Legislature having jurisdiction over public employee retirement matters the authority to report out legislation as recommended by the board of trustees to improve the retirement system;
7. It replaces obsolete language regarding the retirement system budgeting process;
8. It corrects a reference to the legislative jurisdiction that pertains to matters relating to the retirement system;
9. It clarifies the treatment of retirement system assets;
10. It clarifies the disposition of funds appropriated to subsidize the purchase of military service credit for specific members who subsequently decline to purchase service credit or are able to purchase service credit without subsidy;
11. It clarifies that assets of the group life insurance program may only be used for benefits for participants of employers for which the assets are attributable;
12. It updates references to the Governmental Accounting Standards Board Statements that apply to postemployment benefits; and
13. It removes obsolete language.

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

CARRIED OVER

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

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

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program and to return revenue in excess of program expenses to the General Fund.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 417 An Act To Authorize a General Fund Bond Issue To Invest in Facilities and Equipment To Support the Growth of Additive Manufacturing Leave to Withdraw Pursuant to Joint Rule

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

The funds provided by this bond issue, in the amount of \$10,000,000, will be used to invest in an additive manufacturing laboratory at the University of Maine to create a center for research, education and training in the additive manufacturing field, to provide training for workers in the technology developed by the laboratory and to develop new products for Maine-based industrial partners.

LD 467 An Act To Authorize a General Fund Bond Issue To Address Changes in Sea Level CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 520 An Act To Authorize a General Fund Bond Issue To Increase Rural Maine's Access to Broadband Internet Service CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S CARSON B		

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 522 An Act Regarding Final Enactment of the State Budget

**Accepted Majority
(ONTP) Report**

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

This bill requires at least three calendar days to have elapsed between the day the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs reports out a biennial or supplemental budget and when that budget is finally enacted by the Legislature.

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

CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 723 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Volatility in State Pension Funding Requirements Caused by the Financial Markets CON RES 1

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R GATTINE D	OTP-AM	S-148

This resolution proposes to amend the Constitution of Maine to reduce volatility in state pension funding requirements caused by the financial markets by increasing the length of time over which experience losses are

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amortized from 10 years to 20 years.

Committee Amendment "A" (S-148)

This amendment incorporates a fiscal note.

Enacted Law Summary

Constitutional Resolution 2017, chapter 1 proposes to amend the Constitution of Maine to reduce volatility in state pension funding requirements caused by the financial markets by increasing the length of time over which experience losses are amortized from 10 years to 20 years.

LD 726 An Act To Restore Full Cost-of-living Increases for All Maine State Retirees Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E	OTP-AM ONTP	H-250

This bill removes the limitation, put in place in 2011, to the cost-of-living increase for persons receiving state retirement benefits that applies the increase only to the first \$20,000 of retirement benefits. This bill returns application of the cost-of-living increase to the full benefit.

Committee Amendment "A" (H-250)

This amendment provides funding to fund the costs of removing the limit on the cost-of-living increase for state retirement benefits.

LD 735 An Act To Authorize a General Fund Bond Issue To Support the Independence of Maine's Seniors CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 743 An Act To Authorize a General Fund Bond Issue To Promote and Improve the Intermodal Transportation System in Maine CARRIED OVER

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

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E DILL J		

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 837 An Act To Provide Supplemental Appropriations and Allocations for the Operations of State Government CARRIED OVER

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

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

This emergency bill proposes to provide supplemental appropriations and allocations necessary for the operation of State Government.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 907 An Act Requiring Investments by the Maine Public Employees Retirement System To Be Well-diversified

Leave to Withdraw Pursuant to Joint Rule

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

This bill requires that the Board of Trustees of the Maine Public Employees Retirement System invest and reinvest retirement system funds in well-diversified asset classes that will generate the maximum return and prohibits investment in narrowly tailored asset classes.

LD 917 Resolve, To Require a Review of the State Employee and Teacher Retirement Plan

RESOLVE 14 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR T HAMPER J	OTP-AM	H-184

This resolve directs the Maine Public Employees Retirement System and the Department of Administrative and Financial Services, within their existing resources, to jointly convene and provide necessary staffing assistance to a working group to evaluate and design retirement plan options for all state employees and teachers. The Maine Public Employees Retirement System is directed to submit its recommendations, including any necessary implementing legislation, to the Legislature no later than January 1, 2018.

Committee Amendment "A" (H-184)

This amendment adds to the working group as a nonvoting member a person chosen from nominations submitted by the Maine Association of Retirees. The amendment also adds an emergency preamble and emergency clause to the resolve.

Enacted Law Summary

Resolve 2017, chapter 14 directs the Maine Public Employees Retirement System and the Department of Administrative and Financial Services, within their existing resources, to jointly convene and provide necessary staffing assistance to a working group to evaluate and design retirement plan options for all state employees and teachers. The Maine Public Employees Retirement System is directed to submit its recommendations, including any necessary implementing legislation, to the Legislature no later than January 1, 2018.

Resolve 2017, chapter 14 was finally passed as an emergency measure effective June 7, 2017.

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

CARRIED OVER

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

This emergency bill proposes to make appropriations and allocations for the expenditures of State Government, General Fund and other funds and to change certain provisions of the law necessary to the proper operations of State Government.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 929 An Act Regarding the State Retirement System Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	OTP-AM ONTP	H-277

This bill amends the definition of "earnable compensation" for the purposes of the state retirement system. The bill provides that if, during any year, an employee receives retrospective payment for compensation earned in a prior year or years, the portion of the employee's compensation that is retrospective payment for compensation earned in a prior year or years must be deducted from earnable compensation for the year in which it is paid and must be added to earnable compensation for the prior year or years in which that compensation was earned.

Committee Amendment "A" (H-277)

This amendment incorporates a fiscal note.

LD 953 An Act To Authorize a General Fund Bond Issue To Support the CARRIED OVER
Biomass Industry

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

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

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This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S SPEAR J		

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 981 An Act Regarding State Investments and the Dakota Access Pipeline Accepted Majority
(ONTP) Report

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

This bill prohibits the Treasurer of State from depositing funds in any bank that is providing funds, extending credit or otherwise engaged in financing the construction of the Dakota Access pipeline. This bill also prohibits the Treasurer of State from investing in the securities of a corporation or company or other entity that is providing funds, extending credit or otherwise engaged in financing the construction of the Dakota Access pipeline. This bill requires the Maine Public Employees Retirement System to divest its holdings in any corporation or company that is constructing or funding construction of the so-called Dakota Access pipeline. The bill requires divestment to be completed by January 1, 2019.

Committee Amendment "A" (S-68)

This amendment incorporates a fiscal note.

This amendment was not adopted.

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LD 1044 An Act To Amend the Laws Governing Eligibility for Disability Retirement Benefits

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R	OTP-AM ONTP	S-89

This bill amends the laws governing eligibility for disability retirement benefits. Current law provides that former state employees are not eligible for state disability retirement benefits if they were not disabled on their last day of state service. Under this bill, former state employees who are not disabled on their last day of state service and are ineligible for federal social security disability benefits would be eligible for state disability retirement benefits if they prevail in or settle a claim brought under the State's Whistleblowers' Protection Act.

Committee Amendment "A" (S-89)

This amendment is the majority report of the committee. The amendment clarifies that the period of service for a person who might be eligible for disability retirement benefits under the bill's provision ends as of the date of any settlement agreement pursuant to a claim brought under the State's Whistleblowers' Protection Act.

LD 1045 An Act To Create More Transparency in the Setting of Normal Teacher Retirement Costs

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R KORNFIELD T	OTP-AM	S-59

This bill requires the Board of Trustees of the Maine Public Employees Retirement System to prepare and present an actuarial report on normal teacher retirement costs to a joint meeting of the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs matters by May 31st of even-numbered years. It also requires the board to rely on this biennial actuarial report in its determination of the percentage of total teacher compensation required to fund normal teacher retirement costs.

This bill also requires the Joint Standing Committee on Appropriations and Financial Affairs to conduct a review of the historical and projected future actuarial value of normal teacher retirement costs. It requires the committee to report the results of its review to the Second Regular Session of the 128th Legislature.

Committee Amendment "A" (S-59)

This amendment changes the reporting date for the Maine Public Employees Retirement System's actuarial report required in the bill from May 31st of even-numbered years to July 31st, beginning in 2018.

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

CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

This bill was reported out of committee and then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Committee Amendment "A" (S-336)

This amendment, which is the majority report of the committee, strikes the bill and instead:

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

Committee Amendment "B" (S-337)

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

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

This amendment was not adopted.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1331 An Act To Authorize a General Fund Bond Issue To Recapitalize the CARRIED OVER
School Revolving Renovation Fund

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1365 An Act To Include Additional Corrections Officers under the 1998 Died Between
Special Plan for Retirement and To Amend the Laws Governing Houses
Retirement Benefits for Capitol Police Officers

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

This bill adds employees of the Maine Correctional Center, Long Creek Youth Development Center, Downeast Correctional Facility, Mountain View Youth Development Center and Charleston Correctional Facility to the retirement laws governing employees of the Maine State Prison, including the 1998 Special Plan.

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

Committee Amendment "A" (H-410)

This amendment is the majority report of the committee. The amendment clarifies a cross-reference and adds an appropriations and allocations section to the bill.

This amendment was not adopted.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1510 An Act To Authorize a General Fund Bond Issue To Fund Wastewater Infrastructure Projects for Ratification by Voters in the June 2017 Election CARRIED OVER

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

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

Certain provisions of this bill are contained in LD 1552 as enacted.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 1552 An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities and Upgrade Municipal Culverts

PUBLIC 299

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R	OTP-AM OTP-AM	S-333

The funds provided by these bond issues, in the amount of \$100,000,000 in 2017 and 2018, will be used for the construction, reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, matching an estimated \$137,000,000 per year in federal and other funds.

Committee Amendment "A" (S-333)

This amendment, which is the majority report of the committee, changes the amount of funds provided by the bond issue to \$105,000,000 in 2017 and adds funds for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings. The amendment removes Part B of the bill which provided funds in 2018.

Committee Amendment "B" (S-334)

This amendment, which is the minority report of the committee, removes the authorization to issue bonds for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails and reduces the amount authorized from \$100,000,000 to \$80,000,000 in both 2017 and 2018.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 299 provides for a bond issue in the amount of \$105,000,000 to be used for the construction, reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, matching an estimated \$137,000,000 per year in federal and other funds, and for the upgrade of municipal culverts at stream crossings.

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

CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1602 An Act To Authorize a General Fund Bond Issue for Agricultural Water Resource Development and Marketing **CARRIED OVER**

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

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

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to provide funds to the Small Enterprise Growth Board to establish a new equity capital fund, expand the Finance Authority of Maine's subordinated debt capability, and create a new fund within the Maine Technology Institute that will focus on technology centers.

Committee Amendment "A" (S-335)

This amendment, which is the majority report of the committee, increases the amount of the bond from \$50,000,000 to \$55,000,000 and provides \$5,000,000 for biomedical research.

This bill was reported out of committee and then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on Appropriations and Financial Affairs

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

CARRIED OVER

Sponsor(s)

VOLK A
FECTEAU R

Committee Report

Amendments Adopted

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1644 An Act To Fund the Agreement with Executive Branch Employees

**PUBLIC 293
EMERGENCY**

Sponsor(s)

GIDEON S
THIBODEAU M

Committee Report

Amendments Adopted

This bill was not referred to committee.

This bill does the following:

1. Implements the cost items in the collective bargaining agreements reached between the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association and the Maine State Employees Association if tentative agreements are ratified.
2. Specifies the costs from the General Fund and Highway Fund to fund salary increases and authorizes the transfer by financial order of available General Fund and Highway Fund balances as necessary;
3. Provides for the adjustment of certain salary schedules in fiscal year 2017-18 and in fiscal year 2018-19; and
4. Provides for similar and equitable treatment of confidential employees, probationary employees and other employees excluded from collective bargaining.

Enacted Law Summary

Public Law 2017, chapter 293 does the following:

1. Implements the cost items in the collective bargaining agreements reached between the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association and the Maine State Employees Association if tentative agreements are ratified.
2. Specifies the costs from the General Fund and Highway Fund to fund salary increases and authorizes the transfer by financial order of available General Fund and Highway Fund balances as necessary;
3. Provides for the adjustment of certain salary schedules in fiscal year 2017-18 and in fiscal year 2018-19; and
4. Provides for similar and equitable treatment of confidential employees, probationary employees and other

Joint Standing Committee on Appropriations and Financial Affairs

employees excluded from collective bargaining.

Public Law 2017, chapter 293 was enacted as an emergency measure effective July 24, 2017.

Joint Standing Committee on Appropriations and Financial Affairs

SUBJECT INDEX

Budget Bills

Enacted

LD 302	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017	PUBLIC 2 EMERGENCY
LD 390	An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019	PUBLIC 284 EMERGENCY

Not Enacted

LD 837	An Act To Provide Supplemental Appropriations and Allocations for the Operations of State Government	CARRIED OVER
LD 924	An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government	CARRIED OVER
LD 925	An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government	CARRIED OVER

Fiscal Policy

Not Enacted

LD 522	An Act Regarding Final Enactment of the State Budget	Majority (ONTP) Report
LD 832	An Act To Carry Out the Will of the People of the State of Maine by Ensuring the Issuance of Bonds To Support the Independence of Maine's Seniors	Veto Sustained
LD 981	An Act Regarding State Investments and the Dakota Access Pipeline	Majority (ONTP) Report

General Obligation Bond Bills

Enacted

LD 1552	An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities and Upgrade Municipal Culverts	PUBLIC 299
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Not Enacted

LD 47	An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers	CARRIED OVER
LD 139	An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges	CARRIED OVER
LD 143	An Act To Provide Funding for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Renovation Fund	CARRIED OVER
LD 178	An Act To Authorize a General Fund Bond Issue To Provide Jobs, Improve Road Infrastructure and Protect Water Resources	CARRIED OVER
LD 292	An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service	CARRIED OVER
LD 316	An Act To Authorize a General Fund Bond Issue for Railways	CARRIED OVER
LD 317	An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities	CARRIED OVER
LD 318	An Act To Authorize a General Fund Bond Issue to Support Economic Development with High-Resolution Geospatial Data	CARRIED OVER
LD 319	An Act To Authorize a General Fund Bond Issue for Riverfront Community Development	CARRIED OVER
LD 345	An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation	CARRIED OVER
LD 376	An Act To Authorize a General Fund Bond Issue for a New Engineering Design and Education Center at the University of Maine	CARRIED OVER
LD 382	An Act To Amend the Laws Governing the Issuance of Bonds	ONTP
LD 416	An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Groundfish Permit Bank	CARRIED OVER
LD 417	An Act To Authorize a General Fund Bond Issue To Invest in Facilities and Equipment To Support the Growth of Additive Manufacturing	Leave to Withdraw Pursuant to Joint Rule 310
LD 467	An Act To Authorize a General Fund Bond Issue To Address Changes in Sea Level	CARRIED OVER
LD 520	An Act To Authorize a General Fund Bond Issue To Increase Rural Maine's Access to Broadband Internet Service	CARRIED OVER
LD 546	An Act To Authorize a General Fund Bond Issue To Support Biological Research in Maine	CARRIED OVER

LD 590	An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure	CARRIED OVER
LD 638	An Act To Authorize a General Fund Bond Issue for Transportation Projects	CARRIED OVER
LD 675	An Act To Authorize a General Fund Bond Issue for Food Processing Infrastructure in Targeted Areas of the State	CARRIED OVER
LD 735	An Act To Authorize a General Fund Bond Issue To Support the Independence of Maine's Seniors	CARRIED OVER
LD 743	An Act To Authorize a General Fund Bond Issue To Promote and Improve the Intermodal Transportation System in Maine	CARRIED OVER
LD 836	An Act To Authorize a General Fund Bond Issue To Build Maine's Workforce Development Capacity by Modernizing and Improving the Facilities and Infrastructure of Maine's Public Universities	CARRIED OVER
LD 897	An Act To Authorize a General Fund Bond Issue To Encourage Efficient Biomass Thermal and Power Projects in Maine	CARRIED OVER
LD 953	An Act To Authorize a General Fund Bond Issue To Support the Biomass Industry	CARRIED OVER
LD 955	An Act To Authorize a General Fund Bond Issue To Recapitalize the Municipal Investment Trust Fund	CARRIED OVER
LD 964	An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings	CARRIED OVER
LD 1118	An Act To Authorize a General Fund Bond Issue To Support Local Infrastructure	CARRIED OVER
LD 1163	An Act To Authorize a General Fund Bond Issue To Provide Funding for a Program of Student Debt Payment and To Provide for the Establishment of That Program	CARRIED OVER
LD 1330	An Act To Authorize a General Fund Bond Issue To Facilitate Innovative Approaches to Regional School Facilities and To Establish the Maine Innovative Regional School Facilities Finance Program	CARRIED OVER
LD 1331	An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund	CARRIED OVER
LD 1510	An Act To Authorize a General Fund Bond Issue To Fund Wastewater Infrastructure Projects for Ratification by Voters in the June 2017 Election	CARRIED OVER
LD 1511	An Act To Authorize a General Fund Bond Issue for the Protection of Public Health and Marine Resources and To Achieve Cost Savings in State Facilities Owned by the Department of Marine Resources	CARRIED OVER
LD 1562	An Act To Authorize a General Fund Bond Issue To Capitalize a Career and Technical Revolving Equipment and Renovation Fund	CARRIED OVER

LD 1602	An Act To Authorize a General Fund Bond Issue for Agricultural Water Resource Development and Marketing	CARRIED OVER
LD 1613	An Act To Authorize a General Fund Bond Issue To Assist in the Commercialization of Maine Products and Services	CARRIED OVER
LD 1614	An Act To Authorize a General Fund Bond Issue To Fund the Maine Science, Technology, Engineering and Mathematics Loan Program	CARRIED OVER

Miscellaneous Funding and Other Requests

Enacted

LD 1644	An Act To Fund the Agreement with Executive Branch Employees	PUBLIC 293 EMERGENCY
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Not Enacted

LD 89	An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin	Died On Adjournment
LD 391	An Act To Provide Funding for Maine Public	Leave to Withdraw Pursuant to Joint Rule 310
LD 1509	An Act To Prohibit Retired State Employees and Teachers from Returning to Work While Collecting Retirement Benefits	CARRIED OVER
LD 1586	An Act To Appropriate Funds To Provide Sea Protection and Public Access to the Historic Whaleback Lighthouse in Kittery	CARRIED OVER

Public Employee Retirement

Enacted

LD 409	An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System	PUBLIC 88
LD 723	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Volatility in State Pension Funding Requirements Caused by the Financial Markets	CON RES 1
LD 917	Resolve, To Require a Review of the State Employee and Teacher Retirement Plan	RESOLVE 14 EMERGENCY

Not Enacted

LD 17	An Act To Eliminate Retirement Benefits and Paid Health Insurance for Legislators Elected after 2017	Majority (ONTP) Report
LD 99	An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of Investigations within the Department of the Secretary of State, Bureau of Motor Vehicles	Veto Sustained
LD 100	An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General	Died Between Houses

LD 176	An Act To Amend the Laws Pertaining to Disability Retirement Benefits Administered by the Maine Public Employees Retirement System	CARRIED OVER
LD 177	An Act To Remove the Age Penalty for State Retirees Working at State Correctional Institutions That Are Closing	CARRIED OVER
LD 247	An Act To Amend the Retirement Laws Pertaining to Participating Local Districts	CARRIED OVER
LD 521	An Act To Align the Criteria Used by the Maine Public Employees Retirement System in Determining Veterans' Disability Claims with the Criteria Used by the United States Department of Veterans Affairs	CARRIED OVER
LD 650	An Act To Clarify and Protect Certain Public Service Retirement Benefits	CARRIED OVER
LD 726	An Act To Restore Full Cost-of-living Increases for All Maine State Retirees	Died On Adjournment
LD 907	An Act Requiring Investments by the Maine Public Employees Retirement System To Be Well-diversified	Leave to Withdraw Pursuant to Joint Rule 310
LD 929	An Act Regarding the State Retirement System	Veto Sustained
LD 1044	An Act To Amend the Laws Governing Eligibility for Disability Retirement Benefits	Veto Sustained
LD 1045	An Act To Create More Transparency in the Setting of Normal Teacher Retirement Costs	Veto Sustained
LD 1365	An Act To Include Additional Corrections Officers under the 1998 Special Plan for Retirement and To Amend the Laws Governing Retirement Benefits for Capitol Police Officers	Died Between Houses

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2017

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REP. LLOYD C. HERRICK

Joint Standing Committee on Criminal Justice and Public Safety

LD 9 An Act To Prohibit the Creation of a Firearms Owner Registry

PUBLIC 175

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P DIAMOND B	OTP-AM ONTP	H-87

This bill prohibits a government agency of this State or a political subdivision of this State from keeping a list or registry of privately owned firearms or a list or registry of the owners of those firearms. It provides exceptions for firearms that have been used in committing a crime of violence dangerous to human life and persons who have been convicted of a crime of violence dangerous to human life.

Committee Amendment "A" (H-87)

This amendment, which is the majority report of the committee, replaces the bill and provides that a government agency of the State or a political subdivision of the State may not keep or cause to be kept a comprehensive registry of privately owned firearms and the owners of those firearms within its jurisdiction.

Enacted Law Summary

Public Law 2017, chapter 175 provides that a government agency of the State or a political subdivision of the State may not keep or cause to be kept a comprehensive registry of privately owned firearms and the owners of those firearms within its jurisdiction.

LD 18 An Act To Make Exposing a Law Enforcement Officer to a Disorienting Substance a Crime

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B DAVIS P	ONTP OTP-AM	

This bill creates the crime of assault on a law enforcement officer through unlawful exposure. A person commits a Class D crime if the person intentionally, knowingly or recklessly exposes a law enforcement officer to any substance in a manner that could temporarily disable, disorient, impair the sight of or impair the breathing of the law enforcement officer; a person commits a Class C crime if the exposure could cause serious bodily injury or death to the law enforcement officer.

Committee Amendment "A" (H-88)

This amendment, which is the minority report of the committee, amends the bill by clarifying the new crime of assault on a law enforcement officer through unlawful exposure as follows.

1. It provides that the crime of assault on a law enforcement officer through unlawful exposure may occur either when the officer is in the performance of the officer's official duties or while off duty.
2. It expands the scope of the new crime by defining "law enforcement officer" to include corrections officers, corrections supervisors, forest rangers and marine patrol officers.
3. To better describe for the purposes of the Maine Criminal Code the conduct criminalized in the new crime, it clarifies that the unlawful exposure to a substance must be done in a manner that creates a substantial risk of a specified injury to a law enforcement officer.

Joint Standing Committee on Criminal Justice and Public Safety

This amendment was not adopted.

LD 42 An Act To Deter the Dealing of Dangerous Drugs

**Died Between
Houses**

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

This bill makes the illegal trafficking in a drug with or furnishing of a drug to a person when the injection, inhalation or ingestion of the drug by that person causes death a Class A crime of manslaughter.

Committee Amendment "A" (S-50)

This amendment, which is the majority report of the committee, clarifies the new Class A crime of illegal trafficking in a drug with or furnishing of a drug to another person when death is in fact caused by the use of the drug trafficked or furnished. It removes language stating that it is not a defense to prosecution of the new crime that the decedent contributed to the decedent's death by the decedent's use of or consent to the administration of a drug.

This amendment was not adopted.

LD 44 An Act To Lower the Age Requirement To Carry a Concealed Handgun

**Accepted Majority
(ONTP) Report**

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

This bill lowers from 21 years of age to 18 years of age the age at which a person may carry a concealed handgun.

LD 54 An Act To Provide Compensation to a Corrections Officer Injured by a Patient or Prisoner

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R WOODSOME D	ONTP REF TO LCED	

This bill provides for a supplemental benefit paid to a corrections officer who is injured by the acts of a patient or prisoner of the jail, prison or state correctional facility where the corrections officer works if the injury qualifies the corrections officer for workers' compensation benefits. The amount of the supplemental benefit is the difference between the corrections officer's workers' compensation benefits and the corrections officer's regular salary. In addition, the work time the corrections officer misses is not chargeable against available sick leave credits.

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**LD 92 An Act To Require a Person Who Provides Illegal Drugs To Give
Medical Aid to Another Person in Medical Distress Due to That Illegal
Drug Transaction**

**Accepted Majority
(ONTP) Report**

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

This bill requires a person who provides an illegal substance to an individual that causes that individual serious or life-threatening medical distress to provide first aid and assistance to that individual and seek assistance from a medical professional, first responder or law enforcement officer. A person who renders first aid is not civilly liable for damages or death caused as a result of rendering that aid unless it is done in a grossly negligent manner. Criminal liability is not waived. Failure to provide first aid and assistance is a Class C crime.

Committee Amendment "A" (S-19)

This amendment is the minority report of the committee. The amendment replaces the bill and changes the title. The amendment provides that in using a sentencing alternative involving a term of imprisonment for a person convicted of unlawful furnishing of a scheduled drug in which death was in fact caused by the use of the scheduled drug or unlawful trafficking in a scheduled drug in which death was in fact caused by the use of the scheduled drug, a court must assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process.

This amendment was not adopted.

**LD 94 An Act To Provide a Source of Funding for Drug Abuse Resistance
Education**

**Accepted Majority
(ONTP) Report**

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

This bill requires that the funds generated by forfeited firearms that are auctioned to federally licensed firearms dealers or the public be used to fund educational programs taught by law enforcement officers that target prevention of substance abuse, violence or high-risk behavior and teach students good decision-making skills to help them lead safe and healthy lives. These educational programs are known as the Drug Abuse Resistance Education program.

Committee Amendment "A" (S-51)

This amendment is the minority report of the committee and replaces the bill. This amendment establishes the DARE Education Reimbursement Fund program within the Department of Education and provides funding of \$100,000 per year on an ongoing basis from the Medical Use of Marijuana Fund.

This amendment was not adopted.

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LD 101 An Act Regarding the Transportation of Prisoners to County Jails

ONTP

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

This bill authorizes a municipal law enforcement agency with custody over a person pursuant to an arrest to request that the sheriff of the county jail to which the person is to be transported assume custody over the person and transport the person to the county jail. Upon receipt of such request, the sheriff is required to assume custody over the person and ensure that the person is transported to the county jail in a timely manner. The costs of transporting a person under this provision are to be paid by the county, which may seek reimbursement for such costs from the person transported under certain circumstances or apply for reimbursement from the County Jail Transportation Reimbursement Fund, which is established in this bill. The County Jail Transportation Reimbursement Fund is funded from a percentage of the total fines, forfeitures and penalties received monthly for deposit into the Government Operations Surcharge Fund.

**LD 102 An Act To Make a Person Convicted of a Crime Liable for Payment of
Investigative and Prosecutorial Costs**

ONTP

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

This bill amends the Maine Criminal Code to require that a court impose on a person convicted of a crime under the code a fine of an amount equal to the actual costs of investigation and prosecution of the crime for which the person is convicted that have been incurred by the office of the attorney for the State, a law enforcement agency or any other governmental entity that requests payment of such costs. Costs recovered under this provision must be returned to the office of the attorney for the State, the law enforcement agency or governmental entity that incurred the costs and must be used for actual costs incurred by such entities in investigating and prosecuting criminal cases.

LD 138 An Act To Amend the Laws Governing the Sex Offender Registry

PUBLIC 65

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S PARRY W	OTP-AM ONTP	S-37

This bill requires a person to register on the registry of sex offenders maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification when that person is a teacher, employee or other official having instructional, supervisory or disciplinary authority who is convicted of a Class D or Class C offense of gross sexual assault, unlawful sexual contact or unlawful sexual touching and the victim, regardless of the victim's age, is a student over whom that person has control. Class D sex offenses are considered Tier I offenses, requiring the offender to register for up to 10 years, and Class C sex offenses are considered Tier II offenses, requiring the offender to register for up to 25 years.

Committee Amendment "A" (S-37)

This amendment is the majority report of the committee. The amendment removes from the bill unlawful sexual touching. The amendment makes violations of the Maine Revised Statutes, Title 17-A, section 253, subsection 2, paragraph F and section 255-A, subsection 1, paragraphs K and L registrable offenses under sex offender

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registration laws when those violations are committed on or after October 1, 2017.

Enacted Law Summary

Public Law 2017, chapter 65 makes violations of the Maine Revised Statutes, Title 17-A, section 253, subsection 2, paragraph F and section 255-A, subsection 1, paragraphs K and L registrable offenses under sex offender registration laws when those violations are committed on or after October 1, 2017.

LD 141 An Act Regarding Bringing Certain Criminal Charges ONTP

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

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

This bill proposes that a body or process be created to which a victim of theft of money or merchandise can appeal if the investigating law enforcement agency determines that the matter is civil and declines to bring criminal charges against the offender.

LD 142 An Act To Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System ONTP

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

This bill establishes within the State Police the responsibility to establish, operate and maintain a sexual assault forensic examination kit tracking system. The bill sets forth the requirements for the tracking system and requires the State Police to adopt routine technical rules, including rules regarding participation in the tracking system, confidentiality and the operation of the tracking system. The bill provides civil immunity for participants in the tracking system for actions required by law or rule.

LD 169 An Act To Support Sexual Assault Survivors ONTP

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

This bill enacts protections for alleged victims of gross sexual assault that mirror protections provided in federal law.

The bill contains the following provisions.

1. The bill requires a prosecutor or law enforcement agency to provide written information to an alleged victim concerning the right to undergo a forensic examination and the right to receive the results and any report resulting from a forensic examination unless disclosure to the alleged victim could impede or compromise an ongoing investigation or an ongoing prosecution.

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2. The bill requires the prosecutor or law enforcement agency that has custody of the results and any report to retain the results and any report without charge until the expiration of the period of the statute of limitations. The bill requires the prosecutor or law enforcement agency, at least 60 days prior to destroying or disposing of the results and report, to provide notice of the intended destruction or disposal to the victim and allows for further retention upon the objection of the victim. The bill provides for routine technical rulemaking by the Chief of the State Police regarding retention and destruction or disposal of the results and any report.

LD 179 An Act To Make Creating a Police Standoff a Class E Crime

PUBLIC 86

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF T	OTP-AM ONTP	H-163

This bill changes the offense of creating a police standoff from a civil violation to a Class E crime. This bill also removes from the provision governing police standoffs the ability of a person to avoid the offense of creating a police standoff by surrendering within 1/2 hour of receiving police instruction to do so.

Committee Amendment "A" (H-163)

This amendment is the majority report of the committee and replaces the bill. The amendment repeals the civil violation of creating a police standoff that exists in the Maine Revised Statutes, Title 25 and enacts a Class E crime of creating a police standoff in Title 17-A. The amendment provides that a person is guilty of creating a police standoff when the person is barricaded as a result of the person's own actions, including when the person barricades himself or herself in a vehicle, is or claims to be armed with a dangerous weapon, is instructed by law enforcement to leave the barricaded location and fails to leave within 1/2 hour. The amendment does not include the provision from the repealed law that relates to restitution since restitution will be available with regard to the new Class E crime for economic loss incurred for police costs as an emergency response under Title 17-A, chapter 54.

Enacted Law Summary

Public Law 2017, chapter 86 repeals the civil violation of creating a police standoff that exists in the Maine Revised Statutes, Title 25 and enacts a Class E crime of creating a police standoff in Title 17-A. The law provides that a person is guilty of creating a police standoff when the person is barricaded as a result of the person's own actions, including when the person barricades himself or herself in a vehicle, is or claims to be armed with a dangerous weapon, is instructed by law enforcement to leave the barricaded location and fails to leave within 1/2 hour. The law does not provide specifically for restitution since restitution will be available with regard to the new Class E crime for economic loss incurred for police costs as an emergency response under Title 17-A, chapter 54.

LD 217 An Act Regarding the Place of Imprisonment of Certain Prisoners

ONTP

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

This bill requires that the Commissioner of Corrections determine whether to transfer to a correctional facility or retain at a county jail a person who is imprisoned at a county jail for longer than nine months. If the person is retained at the county jail, the bill requires the commissioner to reimburse the county jail on a per diem basis for the cost of imprisonment beyond nine months. The bill requires that when a previously suspended sentence of imprisonment for a Class A, Class B or Class C crime is vacated, in whole or in part, as the result of a probation revocation, the court must respecify as the place of imprisonment the place in which the person was imprisoned prior to release on probation.

Joint Standing Committee on Criminal Justice and Public Safety

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

CARRIED OVER

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

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

Committee Amendment "A" (H-220)

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

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

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

This amendment also strikes language that would have established promotion of prostitution of a person less than 18 years of age as a Class C crime and promotion of prostitution of others as a Class D crime.

This amendment was not adopted.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 251 An Act Regarding Refusing To Submit to Arrest or Detention

**Accepted Minority
(ONTP) Report**

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

This bill amends the law regarding refusal to submit to arrest or detention to make a person's engaging in a physical action that delays or interferes with the lawful arrest or detention a Class E crime.

Committee Amendment "A" (H-24)

This amendment is the majority report of the committee. This amendment clarifies the language in the bill regarding physical actions that constitute the crime of refusing to submit to arrest or detention to provide that a person who engages in a physical action that hinders, delays or prevents a lawful arrest or detention of the person is guilty of that crime. The amendment also provides that such a person is guilty of a Class D crime, rather than a Class E crime as proposed in the bill.

This amendment was not adopted.

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LD 252 An Act To Improve Safety in the Disposal of Expired Marine Flares

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J MIRAMANT D	OTP-AM ONTP	H-62

This bill establishes within the Department of Public Safety programs for the collection and disposal of expired marine flares and for public education regarding expired marine flares.

Committee Amendment "A" (H-62)

This amendment replaces the bill. The amendment provides for the State Fire Marshal to establish, within existing resources, a program of storage, collection and disposal of expired marine flares. The amendment requires the State Fire Marshal to accept from owners and fire departments expired marine flares and to dispose of the expired flares safely. The amendment provides for public education to be undertaken by the State Fire Marshal in collaboration with the Department of Agriculture, Conservation and Forestry, the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection, the Department of Marine Resources and the Department of Public Safety.

LD 321 An Act To Enhance Safety on School Property

**Accepted Majority
(ONTP) Report**

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

This bill creates the Class E crime of criminal trespass on school property if a person who is not authorized to be in or on school property enters or remains in or on the property that is posted. The bill also prohibits a person from staying on school property after being asked not to enter or being asked to leave the property by the principal, principal's designee, member of the school staff or law enforcement officer.

Committee Amendment "A" (H-25)

This amendment is the minority report of the committee. This amendment removes from the bill the provision that allows a principal or the principal's designee or a member of the school staff to take into custody and detain a person believed to be committing criminal trespass on school property.

This amendment was not adopted.

LD 332 An Act Regarding Service of Criminal Process on Electronic Communication Service Providers and Remote Computing Service Providers

**PUBLIC 144
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-339

This bill contains recommendations of the Criminal Law Advisory Commission.

Joint Standing Committee on Criminal Justice and Public Safety

This bill is emergency legislation. Consistent with existing Maine and federal law, this bill makes explicit that a Maine search warrant or a Maine grand jury subpoena may compel production of records by a provider of electronic communication service or remote computing service, even if the provider is outside the State, and establishes the appropriate procedure for service of such legal process. Compelling the production of records will provide access to service provider records that often are critical to the investigation of crime, as criminals commonly use cell phones, computers and the Internet in connection with criminal activities. The federal Stored Communications Act, 18 United States Code, Section 2703(a), (b)(1)(A) and (c)(2) already expressly requires providers of electronic communication service and remote computing service to comply with state grand jury subpoenas for basic subscriber information and state search warrants for content information and location information. Likewise, under Maine law the authority to compel production of basic subscriber information with a grand jury subpoena already exists under the Maine Rules of Unified Criminal Procedure, Rule 17 and Rule 17A, and the authority to compel production of content information and location information with a search warrant already exists under the Maine Revised Statutes, Title 16, sections 642 and 648. This clarification is necessary to resolve uncertainty about the court's authority under Title 15, section 55 to issue search warrants for records in the possession of entities outside of Maine. Such uncertainty may impede the investigation of crimes in Maine and undermine the federal law that requires providers to comply with state search warrants and grand jury subpoenas. Emergency legislation is necessary to immediately clarify the court's authority to review requests for criminal process required for the investigation of alleged criminal activity in Maine.

Committee Amendment "A" (H-339)

This amendment makes the following changes to the bill.

1. It specifies that the clerk who is authorized to receive service of a grand jury subpoena or search warrant is the commercial clerk.
2. It prioritizes the method of service of criminal process, specifying first priority as through the specific means identified by the electronic service provider or remote computing service provider.
3. It specifies that the provisions applicable to a search for records from a foreign entity provider apply to records that are in the possession or control of the foreign entity provider.
4. It provides a mechanism for a foreign entity provider or a domestic entity provider to obtain an extension beyond 14 days to reply to a search warrant through notice to the law enforcement officer who served the warrant. It strikes from the procedure the requirement that the foreign entity provider file a request for relief with the court.
5. It provides for production of the requested grand jury documents to the grand jury and provides that the prosecutor's or the grand jury's address must be included in the subpoena.
6. It provides in the mechanism for expedited production of records a way for the provider to request a 14-day period for return of the information if the only adverse result finding is for the reason of jeopardizing the investigation, undue delay of trial or a significantly detrimental consequence that is not immediate danger of death or serious physical injury, flight from prosecution, destruction of or tampering with evidence or intimidation of a potential witness.

Enacted Law Summary

Public Law 2017, chapter 144 makes explicit that a Maine search warrant or a Maine grand jury subpoena may compel production of records by a provider of electronic communication service or remote computing service, even if the provider is outside the State, and establishes the appropriate procedure for service of such legal process. This law will provide access to service provider records that often are critical to the investigation of crime, as criminals commonly use cell phones, computers and the Internet in connection with criminal activities. The federal Stored

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Communications Act, 18 United States Code, Section 2703(a), (b)(1)(A) and (c)(2) already expressly requires providers of electronic communication service and remote computing service to comply with state grand jury subpoenas for basic subscriber information and state search warrants for content information and location information. Likewise, under Maine law the authority to compel production of basic subscriber information with a grand jury subpoena already exists under the Maine Rules of Unified Criminal Procedure, Rule 17 and Rule 17A, and the authority to compel production of content information and location information with a search warrant already exists under the Maine Revised Statutes, Title 16, sections 642 and 648. This clarification is necessary to resolve uncertainty about the court's authority under Title 15, section 55 to issue search warrants for records in the possession of entities outside of Maine. Such uncertainty may impede the investigation of crimes in Maine and undermine the federal law that requires providers to comply with state search warrants and grand jury subpoenas.

The law specifies that the clerk who is authorized to receive service of a grand jury subpoena or search warrant is the commercial clerk. It prioritizes the method of service of criminal process, specifying first priority as through the specific means identified by the electronic service provider or remote computing service provider. It specifies that the provisions applicable to a search for records from a foreign entity provider apply to records that are in the possession or control of the foreign entity provider. It provides a mechanism for a foreign entity provider or a domestic entity provider to obtain an extension beyond 14 days to reply to a search warrant through notice to the law enforcement officer who served the warrant. It strikes from the procedure the requirement that the foreign entity provider file a request for relief with the court. It provides for production of the requested grand jury documents to the grand jury and provides that the prosecutor's or the grand jury's address must be included in the subpoena. It provides in the mechanism for expedited production of records a way for the provider to request a 14-day period for return of the information if the only adverse result finding is for the reason of jeopardizing the investigation, undue delay of trial or a significantly detrimental consequence that is not immediate danger of death or serious physical injury, flight from prosecution, destruction of or tampering with evidence or intimidation of a potential witness.

Public Law 2017, chapter 144 was enacted as an emergency measure effective June 8, 2017.

LD 343 An Act To Prohibit the Discharge of a Firearm within 300 Feet of a State-owned Boat Launching Ramp

PUBLIC 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P MARTIN D	OTP-AM	S-52

This bill makes discharging a firearm within 300 feet of a state-owned boat launching ramp a Class E crime.

Committee Amendment "A" (S-52)

This amendment replaces the bill and provides that an agency of the State having jurisdiction over a state-owned boat launching ramp may post notice, in a prominent location at the boat launching ramp, that the discharge of a firearm is prohibited within 300 feet of the boat launching ramp. A person who discharges a firearm within 300 feet of a boat launching ramp that is posted in accordance with this provision commits a Class E crime.

Enacted Law Summary

Public Law 2017, chapter 69 provides that an agency of the State having jurisdiction over a state-owned boat launching ramp may post notice, in a prominent location at the boat launching ramp, that the discharge of a firearm is prohibited within 300 feet of the boat launching ramp. A person who discharges a firearm within 300 feet of a boat launching ramp that is posted in accordance with this provision commits a Class E crime.

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LD 346 An Act To Make Abuse of Corpse a Class C Crime

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R GROHMAN M	OTP-AM	S-111

This bill increases the class of crime for abuse of corpse from Class D to Class C.

Committee Amendment "A" (S-111)

This amendment incorporates a fiscal note.

LD 350 An Act To Repeal Certain Requirements Concerning the Sale and Purchase of Firearms

PUBLIC 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL L	OTP-AM	H-137

This bill repeals the law that requires a firearms dealer who sells, lets or loans a firearm to make a copy of the form the dealer must keep pursuant to federal law and to show that copy to a law enforcement officer or prosecuting attorney.

Committee Amendment "A" (H-137)

This amendment replaces the bill and amends the provision of law that requires a firearms dealer who sells, lets or loans a firearm to make a copy of the form the dealer must keep pursuant to federal law and to show that copy to a law enforcement officer or prosecuting attorney as follows.

1. Like the bill, it removes the requirement that a dealer make a state copy of that federal form;
2. It requires a dealer to show to or allow inspection of that federal form by a state law enforcement officer or prosecuting attorney upon presentation of a formal written request for inspection stating that the form relates to an active criminal investigation; and
3. It retains the exception currently in law regarding the sale of firearms by a wholesaler to a dealer or another wholesaler.

Enacted Law Summary

Public Law 2017, chapter 81 amends the provision of law that requires a firearms dealer who sells, lets or loans a firearm to make a copy of the form the dealer must keep pursuant to federal law and to show that copy to a law enforcement officer or prosecuting attorney as follows.

1. It removes the requirement that a dealer make a state copy of that federal form.
2. It requires a dealer to show to or allow inspection of that federal form by a state law enforcement officer or prosecuting attorney upon presentation of a formal written request for inspection stating that the form relates to an active criminal investigation.

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LD 351 An Act To Allow Municipalities To Prohibit Weapons at Municipal Public Proceedings and Voting Places

Died Between Houses

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

This bill allows municipalities to prohibit the carrying of dangerous weapons at municipal public proceedings and voting places within the municipality. It provides an exception to allow the carrying of a handgun by an on-duty law enforcement officer.

Committee Amendment "A" (H-89)

This amendment, which is the majority report of the committee, allows a municipality to prohibit the carrying of dangerous weapons within municipal buildings and at municipal public proceedings and voting places subject to the following provisions.

1. A municipal ordinance adopted under this provision of law must provide an exception for the carrying of a handgun by a federal, state, county or local law enforcement officer.
2. A municipal ordinance adopted under this provision of law may provide exceptions to allow the carrying of certain dangerous weapons, including, but not limited to, an exception allowing the carrying of kitchen knives and other common bladed tools with a blade length of less than eight inches.
3. A municipality that has adopted such an ordinance must post notice of the prohibition against the carrying of dangerous weapons outside of all municipal buildings and other places within the municipality subject to the ordinance.

This amendment was not adopted.

LD 352 An Act To Require a Dealer To Sell a Gun Lock with Every New Firearm

Accepted Minority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D	REF TO TAX ONTP	

This bill requires a firearm dealer to sell a gun lock with every firearm the dealer sells at retail in the State.

LD 374 An Act To Recodify and Revise Certain Portions of the Maine Criminal Code

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP-AM	H-223

This bill, which was submitted by the Criminal Law Advisory Commission, recodifies and revises the Maine Revised Statutes, Title 17-A, Part 3 and other portions of the Maine Criminal Code and amends other laws affected

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by this recodification and revision accordingly. The bill reorganizes certain portions of the Maine Criminal Code to be more logical and user-friendly while bringing the language into conformity with current drafting standards, clarifying current law and eliminating inconsistencies within Title 17-A. While much of the revision throughout this bill is technical in nature, the following changes are more substantive.

Part A

Part A recodifies and revises the Maine Revised Statutes, Title 17-A, Part 3.

1. Chapter 61, General Sentencing Provisions, which is the current chapter 47:
 - A. Allows the court to accept a plea agreement between the attorney for the State and the defendant that provides for an agreed-upon authorized sentencing alternative, the imposition of which is deferred;
 - B. Specifies that, as with the Department of Corrections, the legal authority of jails to transfer individuals from one facility to another by agreement is not impaired by the provisions of chapter 61; and
 - C. Subjects to forfeiture a firearm that constitutes the basis for a conviction of aggravated unlawful operation of a methamphetamine laboratory.
2. Chapter 63, Sentences of Imprisonment, which is the current chapter 51:
 - A. Specifies that, in imposing a sentencing alternative that includes a term of imprisonment, the court is required to set a definite period of imprisonment;
 - B. Specifies the steps of the sentencing process the court must take in imposing a sentence for the crime of murder;
 - C. Specifies that the court must employ specific steps of the sentencing process when imposing a period of supervised release after imprisonment and determine the appropriate period of supervised release;
 - D. Specifies that no portion of a term of imprisonment for murder may be suspended;
 - E. Specifies that, unless the law that the individual is convicted of violating expressly provides that an authorized term of imprisonment may not be suspended and if the individual is eligible for probation or administrative release, a court may suspend the authorized term of imprisonment in whole or in part and accompany the suspension with a period of probation or administrative release. The period of probation may not exceed the maximum period of probation authorized for the crime, and the period of administrative release may not exceed one year;
 - F. Clarifies that provisions regarding a previously imposed sentence when a new sentence is to be served consecutively apply to administrative release as well as probation;
 - G. Does not retain the provision in current law prohibiting the court from resentencing a defendant if the sentences are consecutive as a matter of law;
 - H. Includes administrative release in the provision prohibiting a court from imposing a sentence of imprisonment, not wholly suspended, to be served consecutively with any split sentence, or to any sentence including supervised release previously imposed or imposed on the same date, if the net result would be to have the individual released from physical confinement be on probation, administrative release or supervised release for the first sentence and thereafter be required to serve an unsuspended term of imprisonment on the second sentence; and

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I. Allows the court to rearrange the order of sentences.

3. Chapter 65, Fines, Fees, Assessments and Surcharges, gathers various provisions regarding fines, fees, assessments and surcharges from throughout Part 3 into one chapter. Specifically, chapter 65 does the following.

A. Subchapter 1, Fines, which is the current chapter 53:

- (1) Requires the court, in imposing a sentencing alternative that includes a fine, to set a specific amount of money;
- (2) Collects the current statutory exceptions to the maximum fine amounts based on the class of the crime and requires that the State plead and prove each of them. The definition and sentence hearing procedure for the pecuniary gain exception are also changed;
- (3) Specifies that, for purposes of a default hearing, "convicted person" includes an individual or individuals authorized to make disbursements from the assets of a convicted organization;
- (4) Subjects a person on administrative release to the provisions regarding reporting of default and motions to revoke based on failure to pay a fine; and
- (5) Changes the treatment of the imposition of community service work for an unexcused default as a stand-alone court sanction instead of as a sentencing alternative as under current law.

B. Subchapter 2, Fees, Assessments and Surcharges, which is the current chapters 49, 54-B, 54-F and 54-G:

- (1) Specifies that the provisions regarding failure to pay a county jail reimbursement fee apply to a person on administrative release as well as on probation;
- (2) Changes the credit that an individual committed for nonpayment of a reimbursement fee is given toward the payment of a reimbursement fee for each day of confinement that the individual is in custody to not be less than \$25 or more than \$100;
- (3) Specifies that a court may impose other surcharges and assessments that are outside the Maine Criminal Code; and
- (4) Specifies that the authority of the Supreme Judicial Court to impose fees, surcharges or assessments by administrative order or rule is not affected by the provisions of chapter 65.

4. Chapter 67, Conditional Release, contains the provisions of law regarding probation, administrative release, supervised release for sex offenders and deferred disposition with the following changes.

A. Subchapter 1, Probation, which is the current chapter 49:

- (1) Requires the court in imposing a sentencing alternative under section 1152 that includes a period of probation to set a definite period of probation;
- (2) Authorizes any court to rearrange the order of sentences; and
- (3) Authorizes a probation officer to offer a person who has violated probation in a noncriminal manner the option of participating in a public restitution program or treatment program administered through a correctional facility or county jail instead of commencing a probation revocation proceeding or residing at

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a county jail or, as under current law, a correctional facility, for a period of time not exceeding 90 days.

B. Subchapter 2, Administrative Release, which is the current chapter 54-G:

(1) Allows a court to terminate a period of administrative release that would delay commencement of a consecutive unsuspended term of imprisonment;

(2) Requires the court, as a result of an administrative release revocation hearing, to respecify the place of imprisonment for both the portion of previously suspended sentence of imprisonment required to be served and any remaining suspended portion if necessary to carry out the intent of section 1805, subsection 1, paragraph D; and

(3) Does not retain the current provisions of law that specifies a suspended sentence with administrative release commences on the date the person goes into actual execution of the sentence.

C. Subchapter 3, Supervised Release for Sex Offenders, which is the current chapter 50, authorizes a court to terminate a period of supervised release that would delay commencement of a consecutive unsuspended term of imprisonment.

5. Chapter 71, Community Service Work, which is the current Chapter 54-C:

A. Requires an individual who has been sentenced to perform a specified number of hours of community service work and who is in danger of default for failing to complete the work in the manner ordered by the court to request a modification to avoid the default. The court may modify its prior order as to the time for completion, the nature of the work to be performed or the entity for which the work is to be performed; and

B. Specifies the process for a default proceeding for an individual who has been sentenced to perform community service work who fails to complete the sentence, including a reporting process to the court, a motion and hearing process to adjudicate the default, which includes the right to counsel, and specific dispositional alternatives available to the court both in the case of an unexcused default and an excused default.

6. Chapter 75, Victims' Rights, which is the current chapter 48, provides a definition of "immediate family" of the victim.

7. Chapter 81, Administration of Imposed Sentences of Imprisonment, contains the provisions of law regarding administration of imposed sentences of imprisonment, including the place of commitment and calculations of deductions for time detained prior to and after conviction, including discretionary deductions, and:

A. Establishes definitions of "jail" and "sentence of imprisonment" for purposes of the chapter;

B. Establishes a section for provisions that apply generally to sentences of imprisonment, such as deductions and how those deductions are applied to concurrent and consecutive sentences;

C. Specifies that detention in a mental health institution is considered the same as detention in a correctional facility, jail or local lockup for purposes of calculating deductions; and

D. Does not retain the current provision of law giving the attorney for the State the right to be heard at the time of sentence and to recommend a specific sentence or other disposition and requiring the court to consider any statements made by the attorney for the State, along with all other appropriate factors, in determining the sentence. It also does not retain the references to chapter 75, Victims' Rights.

Part B

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Part B makes changes to the current law to reflect the changes made in Part A, including:

1. Adding new definitions of "concurrent sentence," "consecutive sentence," "individual" and "split sentence" for purposes of the Maine Criminal Code;
2. Specifying that the definitions of "day," "week," "month" and "year" apply for the purposes of imposing imprisonment or probation, administrative release or supervised release;
3. Allows the court, but only for an individual, to suspend all or a portion of a minimum fine or impose a lesser fine other than the mandatory fine for certain drug offenses, assault and operating under the influence if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty; and
4. For purposes of imposition of a fine based on the value of a scheduled drug that is the basis for a conviction, requires the State to plead and prove the value of the scheduled drug.

Part C

Part C provides for the correction and update of other sections of law not touched in the bill, such as cross-references in the Maine Revised Statutes to provisions of law repealed in this bill.

Committee Amendment "A" (H-223)

This amendment is the majority report of the committee. The amendment corrects cross-references in the bill. The amendment clarifies that the maximum term of imprisonment for a Class D crime is less than one year, as is consistent with current law, instead of one year. The amendment clarifies that when an individual is committed to a Department of Corrections correctional facility the sentence commences on the date on which the individual is received into the correctional facility designated as the place of confinement by the Commissioner of Corrections or the commissioner's designee instead of designated solely by the commissioner. In the sections of the bill on deductions from sentence, the amendment clarifies that the restoration of certain deductions requires a determination that is in the discretion of the chief administrative officer of the correctional facility or the jail administrator. The amendment requires that a court terminate probation, administrative release or supervised release if the court determines that the previously imposed sentence and the new sentence must be served consecutively. The amendment requires that a person who is being detained for the conduct for which the sentence is imposed receives credit for time detained in a mental health institute.

The amendment, in Part C, updates cross-references in other parts of the Maine Revised Statutes to reflect the repeal and reallocation of sections of law affected in the bill. The amendment adds an emergency preamble and emergency clause to the bill.

Committee Amendment "B" (H-224)

This amendment is the minority report of the committee. This amendment makes all of the same changes made in the majority report. Additionally, this amendment changes certain instances of "individual" and "person" in the bill to "defendant," "probationer" or "offender" to mirror the use of those terms in the current law, as recodified in the bill.

This amendment was not adopted.

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

CARRIED OVER

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

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

Committee Amendment "A" (S-112)

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

This bill was reported out of committee and then carried over to any special or regular session of the 128th Legislature on the Appropriations Table by joint order, S.P. 601.

LD 443 An Act To Allow Municipally Funded Hospitals To Prohibit the Presence of Firearms on Their Property

ONTP

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

This bill allows a municipally funded hospital to restrict the possession or use of firearms and firearms-related items on property used by the municipally funded hospital.

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

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

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

This bill proposes to require an automatic life sentence for a defendant convicted of murder as a result of domestic abuse.

Committee Amendment "A" (S-79)

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 463 An Act To Improve the Funding of County Jails PUBLIC 281

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D JACKSON T	OTP-AM	H-487

This bill amends the laws on funding the county jails and the transfer of prisoners among county jails and the Department of Corrections. The bill clarifies that a county jail that receives a transfer of a prisoner from a sending county jail or the Department of Corrections may charge the sending county jail or the Department of Corrections a per diem charge for the transferred prisoner. The bill clarifies in the funding formula for county jails that the jails are credited for the prisoners who are committed to the custody of or detained by the sheriff of that county. The bill removes the cap on tax assessments for correctional services that is specific to the jails and imposes the limitation on county assessments that applies more generally to the counties as set forth in the Maine Revised Statutes, Title 30-A, section 706-A.

Committee Amendment "A" (H-487)

This amendment replaces the bill. The amendment establishes that the assessment to municipalities for the provision of correctional services in a county budget may not be less than the base assessment limit established by law. The amendment also specifies that if a county collects more in a year than the base amount established for that year, the base amount for the succeeding year is the amount collected in the prior year.

Enacted Law Summary

Public Law 2017, chapter 281 establishes that the assessment to municipalities for the provision of correctional services in a county budget may not be less than the base assessment limit established by law. The law specifies that if a county collects more in a year than the base amount established for that year, the base amount for the succeeding year is the amount collected in the prior year.

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LD 475 An Act To Require That a Person Who Has Been Treated by a Law Enforcement Officer with Naloxone Be Informed about Drug Addiction Treatment ONTP

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

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

This bill proposes to require a law enforcement officer who has administered naloxone hydrochloride to a person to provide the name and contact information for that person to the nearest publicly funded mental health treatment provider. It requires a treatment provider receiving that information to contact the person and inform the person of available options regarding drug addiction treatment.

LD 501 An Act To Increase Firearm Safety ONTP

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

This bill, using language modeled on the law regarding permits to carry concealed handguns, requires a person attempting to purchase a firearm to present the seller with proof of having successfully completed military firearms training or an approved firearm safety course. The bill also provides that a person may meet this requirement by presenting proof of having satisfied the handgun safety course requirements for a permit to carry concealed handguns.

LD 511 An Act To Amend the Laws Governing Domestic Violence and Setting Preconviction Bail PUBLIC 66

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

This bill amends the law regarding improper contact with a family or household member prior to the setting of preconviction bail by specifying that a person is guilty of a violation of that law if notified by a law enforcement officer not to make direct or indirect contact with the specifically identified alleged victim of the offense for which the person is being detained and the person intentionally or knowingly makes direct or indirect contact with the specifically identified alleged victim.

Enacted Law Summary

Public Law 2017, chapter 66 amends the law regarding improper contact with a family or household member prior to the setting of preconviction bail by specifying that a person is guilty of a violation of that law if notified by a law enforcement officer not to make direct or indirect contact with the specifically identified alleged victim of the offense for which the person is being detained and the person intentionally or knowingly makes direct or indirect contact with the specifically identified alleged victim.

Joint Standing Committee on Criminal Justice and Public Safety

LD 512 Resolve, To Establish the Committee To Study the State's Response to the Commercial Sexual Exploitation of Youth Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	OTP-AM ONTP	S-131

This bill prohibits minors from being charged with the crime of engaging in prostitution.

Committee Amendment "A" (S-131)

This amendment replaces the bill with a resolve that establishes the Committee To Study the State's Response to the Commercial Sexual Exploitation of Youth, and to assess the current policies, systems and resources; to assess gaps in the current policies, systems and resources; and to make recommendations related to improving the policies, systems and resources. The committee is required to report no later than December 6, 2017 with its findings and recommendations and suggested legislation to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Health and Human Services. The amendment authorizes the committee to seek funding to partially or fully fund the study, subject to approval by the Legislative Council.

LD 514 An Act To Authorize the Expungement of Records of Nonviolent Crimes ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E WARREN C	ONTP	

This bill allows a person convicted of a Class E, Class D or Class C crime to petition the court where the person was convicted to expunge all records of the crime five years after the completion of the person's sentence. Expungement is not available for persons who have subsequent convictions or pending criminal charges; for crimes involving violence or sex offenses; or crimes that had as an element of the offense victims who were minors or are 65 years of age or older.

LD 515 An Act To Amend the Laws on Gross Sexual Assault ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TURNER B	ONTP	

This bill requires a mandatory term of imprisonment of at least 20 years for the crime of gross sexual assault when the victim is a person who has not attained 12 years of age.

LD 516 An Act To Improve the Management of Inmates in County and Regional Jails PUBLIC 214

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M WARREN C	OTP-AM	S-264

Joint Standing Committee on Criminal Justice and Public Safety

This bill requires a law enforcement agency that commits a prisoner to the sheriff's charge prior to arraignment on a nonviolent Class D or Class E crime to reimburse the sheriff for each day that the prisoner is held by the sheriff prior to arraignment and to pay a one-time surcharge of \$50 for holding the prisoner. The bill defines "nonviolent Class D or Class E crime" to mean a Class D or Class E crime other than a violation of the Maine Revised Statutes, Title 17-A, chapter 9, 11, 12 or 13; a violation of Title 17-A, section 506-B; a violation of Title 17-A, section 1002 or 1004; or a crime involving domestic violence as defined in Title 15, section 1003, subsection 3-A. The bill requires that the per diem rate for the prisoner is the same per diem rate that is established by the Department of Corrections for the purposes of funding county jail operations.

Committee Amendment "A" (S-264)

This amendment replaces the bill and changes the title. The amendment does the following.

1. The amendment provides that if a probationer is committed to jail without bail pending a probation revocation hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance. The amendment eliminates the provision that allows the court in its discretion to allow the hearing to be held after 45 days.
2. The amendment requires that, beginning November 1, 2017, the county jails and regional jail report to the Department of Corrections regarding interjail boarding rates. The amendment requires that by January 15th each year, beginning January 15, 2018, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding interjail boarding rate information and any recommendations.
3. The amendment requires that, beginning November 1, 2017, the county jails and regional jail report to the Department of Corrections regarding financial audits performed for the jails. The amendment requires that by January 15th each year, beginning January 15, 2018, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding data derived from the financial audit information and any recommendations.
4. The amendment requires that, beginning November 1, 2017, each county jail and the regional jail report twice per month to the Unified Criminal Docket in the judicial region in which the jail is located on the pretrial detention population in the jail, using a form provided by the Unified Criminal Docket.
5. The amendment requires that, beginning November 1, 2017, the Department of Corrections offer to provide technical assistance and advice to county jails and the regional jail regarding audits for the purpose of achieving and maintaining compliance with the federal Prison Rape Elimination Act of 2003, Public Law 108-79, as requested by the county jails and regional jail.

Enacted Law Summary

Public Law 2017, chapter 214 does the following.

1. The law provides that if a probationer is committed to jail without bail pending a probation revocation hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance. The law eliminates the provision that allows the court in its discretion to allow the hearing to be held after 45 days.
2. The law requires that, beginning November 1, 2017, the county jails and regional jail report to the Department of Corrections regarding interjail boarding rates. The law requires that by January 15th each year, beginning January 15, 2018, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding interjail boarding rate information and any recommendations.
3. The law requires that, beginning November 1, 2017, the county jails and regional jail report to the Department of

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Corrections regarding financial audits performed for the jails. The law requires that by January 15th each year, beginning January 15, 2018, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding data derived from the financial audit information and any recommendations.

- 4. The law requires that, beginning November 1, 2017, each county jail and the regional jail report twice per month to the Unified Criminal Docket in the judicial region in which the jail is located on the pretrial detention population in the jail, using a form provided by the Unified Criminal Docket.
- 5. The law requires that, beginning November 1, 2017, the Department of Corrections offer to provide technical assistance and advice to county jails and the regional jail regarding audits for the purpose of achieving and maintaining compliance with the federal Prison Rape Elimination Act of 2003, Public Law 108-79, as requested by the county jails and regional jail.

LD 523 Resolve, To Establish the Commission To Review the Laws Governing Domestic Violence

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L BELLOWS S	OTP-AM ONTP	H-362

This resolve establishes the Commission To Review the Laws Governing Domestic Violence, which is directed to conduct a comprehensive examination of the laws governing domestic violence in the State to determine whether the principles of ensuring victim safety and batterer accountability are upheld under the existing statutory scheme.

Committee Amendment "A" (H-362)

This amendment incorporates a fiscal note.

LD 524 An Act To Amend the Laws on Domestic Violence

CARRIED OVER

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

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

Committee Amendment "A" (H-138)

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

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

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

CARRIED OVER

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

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

Committee Amendment "A" (H-139)

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

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 569 Resolve, Regarding Legislative Review of Chapter 5: Maine Disaster Recovery Fund, a Major Substantive Rule of the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency

**RESOLVE 7
EMERGENCY**

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

This resolve provides for legislative review of Chapter 5: Maine Disaster Recovery Fund, a major substantive rule of the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency.

Enacted Law Summary

Resolve 2017, chapter 7 provides for legislative review of Chapter 5: Maine Disaster Recovery Fund, a major substantive rule of the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency. The resolve authorizes adoption of the major substantive rule as submitted to the Legislature for review.

Resolve 2017, chapter 7 was enacted as an emergency measure effective April 28, 2017.

LD 574 An Act To Amend the Provision of Law Requiring Disclosure of the Possession of a Firearm under Certain Circumstances

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E MARTIN J	ONTP	

This bill eliminates the provision of law that requires a person lawfully in possession of a concealed handgun without a permit during the course of a detainment or routine traffic stop to inform the law enforcement officer that the person is in possession of the handgun.

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LD 588 An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances

PUBLIC 90

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B CAMPBELL R	OTP-AM	S-80

This bill amends the law regarding solicitation by law enforcement officers to remove designated public benefit corporations from that process and instead allows law enforcement agencies and associations to engage directly in fund-raising. The bill also explicitly prohibits door-to-door solicitation.

Committee Amendment "A" (S-80)

This amendment replaces the bill and provides that a law enforcement agency or association that engages in a fund-raising event under the limited exception provided in the Maine Revised Statutes, Title 25, section 3702-C, subsection 1, may, but is not required to, retain a designated public benefit corporation to participate with the law enforcement agency or association in the event. The amendment retains the provision of the bill that prohibits door-to-door solicitations.

Enacted Law Summary

Public Law 2017, chapter 90 provides that a law enforcement agency or association that engages in a fund-raising event under the limited exception provided in the Maine Revised Statutes, Title 25, section 3702-C, subsection 1, may, but is not required to, retain a designated public benefit corporation to participate with the law enforcement agency or association in the event. The law retains the provision of current law that prohibits door-to-door solicitations.

LD 589 Resolve, To Establish a Working Group To Review the Function and Mission of Probation Officers and Establish a Licensing Procedure

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G CARDONE B	ONTP OTP	

This resolve directs the Commissioner of Corrections to convene a working group to review the function and mission of probation officers within the Department of Corrections and to make recommendations to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2018, regarding legislation to update the laws and rules regarding probation officers and establish a procedure and statute for licensure of probation officers. The resolve directs the Commissioner of Professional and Financial Regulation to undertake a sunrise review procedure for licensure of probation officers and directs the commissioner to take into consideration the work and recommendations of the working group. The commissioner is required to report to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2018 regarding the results of the sunrise review procedure and any recommendations regarding licensure of probation officers.

LD 595 An Act Prohibiting a Law Enforcement Officer from Confiscating a Firearm under Certain Conditions

ONTP

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

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This bill prohibits a law enforcement officer from ordering a subordinate officer or other officer under the supervision of the law enforcement officer, pursuant to the authority of a federal law or regulation or executive order of the President of the United States, to seize or confiscate a firearm or firearm accessory or ammunition in the possession of a resident of this State. The bill designates a first violation of the law as a civil violation, punishable by a fine of \$1,000, and a second violation as a Class D crime. The provisions of the bill do not apply to a law enforcement officer who engages in the prohibited conduct if the firearm or firearm accessory or ammunition is being used in the commission of a Class A, Class B or Class C crime or if the law enforcement officer is assisting a federal law enforcement office or agency in conducting an investigative or enforcement action against suspected trafficking in scheduled drugs under the Maine Revised Statutes, Title 17-A, chapter 45 or suspected organized criminal activities.

**LD 597 An Act To Make the Reimbursement Rate for Transfers of Inmates from ONTP
County Jails Equal to the Federal Reimbursement Rate**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B WHITTEMORE R	ONTP	

This bill makes the reimbursement rate for transfers of inmates from a county jail to another county jail or to the Department of Corrections equal to the federal reimbursement rate for housing prisoners, but no less than \$90 per diem per prisoner.

LD 598 An Act To Strengthen Maine Citizens' Right to Self Defense ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA R BRAKEY E	ONTP	

This bill removes the requirement that a person who is carrying a concealed handgun without a permit to carry a concealed handgun inform a law enforcement officer of this fact during the course of an arrest, detainment or routine traffic stop.

LD 599 An Act To Prevent Violence against Emergency Responders ONTP

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

This bill increases the classification of the crimes of assault on an officer, assault on an emergency medical care provider and assault on a firefighter from Class C to Class B crimes. It also extends the application of the hate crime sentencing laws to a defendant who selects the person against whom a crime is committed because of that person's status as a law enforcement officer, emergency medical care provider or firefighter or who selects property to damage because of such status of the owner or occupant of that property.

An amended version of the proposals in this bill was incorporated into the majority report committee amendment to LD 990.

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LD 600 Resolve, To Provide Grants to Law Enforcement Agencies To Acquire and Train Drug-detecting Dogs

**Accepted Majority
(ONTP) Report**

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

This resolve directs the Commissioner of Public Safety to establish a grant program for one year to assist law enforcement agencies to acquire and train drug-detecting dogs. The grant program may provide assistance to up to ten law enforcement agencies. The grant program may pay for the cost of the dog; training for the dog, including but not limited to drug detection academy training; and drug detection training and certification for the law enforcement officer who is the handler of the dog, including but not limited to any overtime pay necessary for training for the officer. The grant program may not pay for the cost of food or veterinary care for the dog or the cost of any certifications for the dog beyond the initial training. The resolve directs the Commissioner of Public Safety to adopt routine technical rules to specify the application form for the grant program and the criteria for awarding grants and to make applications available by January 1, 2018, and grant awards by April 1, 2018.

Committee Amendment "A" (H-63)

This amendment is the minority report of the committee. The amendment limits the grants to a maximum of \$10,000 each and provides that the grants may be provided to up to five law enforcement agencies instead of ten as proposed in the bill. The amendment adds an appropriation of \$50,000 for the grant program.

This amendment was not adopted.

LD 639 An Act To Require an Interstate Identification Index System Background Check for Certain Crimes

ONTP

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

This bill amends the criminal procedure laws to require an attorney for the State charging a person with certain crimes, prior to filing the charging instrument with a court, to conduct an interstate identification index system background check on that person. The attorney must certify in the charging instrument or an amendment to the charging instrument that the background check was conducted and must include with the charging instrument or with an amendment to the charging instrument a description of all information obtained from the background check that is relevant to the charges brought.

LD 640 An Act To Require an Ontario Domestic Assault Risk Assessment prior to Setting Bail in Domestic Violence Arrests in Which the Alleged Abuser Has Been Taken into Custody

ONTP

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

This bill requires that in every arrest for a Class B, C or D crime in which the defendant is alleged to have committed a domestic violence assault or criminal threatening with a dangerous weapon and the defendant has been

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taken into custody, the defendant may not be released until the results have been obtained from a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-C and approved by the Department of Public Safety conducted on the defendant. The validated, evidence-based domestic violence risk assessment that is recommended by the Maine Commission on Domestic and Sexual Abuse and approved by the Department of Public Safety is known as the Ontario Domestic Assault Risk Assessment, ODARA. The bill amends current law that requires the results of the ODARA, when the results are available, to apply the results only to arrests in which the defendant has not been taken into custody. The bill contains a delayed effective date of January 1, 2018.

LD 651 An Act To Expand Substance Abuse Prevention Projects

Died Between Houses

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

This bill provides an ongoing General Fund appropriation of \$1,200,000 beginning in fiscal year 2017-18 to the Department of Public Safety for the Substance Abuse Assistance Program.

Committee Amendment "A" (S-81)

This amendment is the minority report of the committee. This amendment replaces the bill and changes the title. It changes the name of the Substance Abuse Assistance Program to the Substance Use Disorder Prevention Assistance Program. This amendment, like the bill, provides \$1,200,000 annually to fund the program.

This amendment was not adopted.

LD 654 An Act To Amend the Laws Governing Certain Sexual Offenses

PUBLIC 300

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M HERBIG E	OTP-AM ONTP	S-113 S-320 HAMPER J

This bill creates a new violation under the law defining the crime of gross sexual assault in which an actor is guilty of gross sexual assault if the actor engages in a sexual act with another person who has not consented to the sexual act; this violation is a Class C crime. The bill also amends the crime of gross sexual assault by repealing the defense to prosecution that the other person voluntarily consumed or allowed the actor to administer to that person drugs or other intoxicants. The bill also amends the crime of unlawful sexual contact and unlawful sexual touching by eliminating language specifying that the other person did not expressly or impliedly acquiesce to the sexual contact or sexual touching and replaces it with language specifying that the person did not consent to the sexual contact or sexual touching.

Committee Amendment "A" (S-113)

This amendment is the majority report of the committee. This amendment specifies that the Class C crime of gross sexual assault created in the bill applies when the other person has not expressly or impliedly acquiesced to the sexual act. The amendment strikes from the bill amendments to the laws on unlawful sexual contact and unlawful sexual touching and provides funding to the Maine Commission on Indigent Legal Services for an anticipated increase in the use of assigned counsel.

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Senate Amendment "A" To Committee Amendment "A" (S-320)

This amendment removes the appropriations and allocations section added by Committee Amendment "A."

Enacted Law Summary

Public Law 2017, chapter 300 creates a new violation under the law defining the crime of gross sexual assault in which an actor is guilty of gross sexual assault if the actor engages in a sexual act with another person who has not expressly or impliedly consented to the sexual act; this violation is a Class C crime. The law amends the crime of gross sexual assault by repealing the defense to prosecution that the other person voluntarily consumed or allowed the actor to administer to that person drugs or other intoxicants.

LD 665 An Act To Give the Courts Sentencing Discretion When a Person with a Developmental Disability Has Been Convicted of a Crime Accepted Majority (ONTP) Report

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

This bill provides that, notwithstanding any provision of law to the contrary, if the court finds that a convicted person has an abnormal condition of the mind as a result of an intellectual disability or an autism spectrum disorder, the court may in its discretion impose a sentence that is less severe than any mandatory minimum sentence that is required by law, including, but not limited to, the Maine Revised Statutes, Title 17-A, chapter 51 or 53. The bill defines "intellectual disability" as a disability characterized by significant limitations in both intellectual functioning and the conceptual, social and practical skills that are required for successful everyday functioning and that are recognized by professionals in the field of developmental disabilities as adaptive behavior.

Committee Amendment "A" (S-82)

This amendment is the minority report of the committee. The amendment changes the title of the bill. The amendment removes from the bill a requirement that the court find that the individual has an abnormal condition of the mind as a result of an intellectual disability or an autism spectrum disorder and instead requires the court to find that the individual has an intellectual disability or an autism spectrum disorder. The amendment provides that the sentencing discretion that the court has does not apply to a sentence for murder. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

LD 670 An Act To Allow for Consistent Application of Credit for Driver's License Suspensions Imposed by the Court PUBLIC 99

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

Current law allows a defendant to receive credit for an OUI alcohol administrative suspension already served from the Secretary of State upon receipt of a court suspension. Because there is a lag between the time the court orders the suspension and the Secretary of State applies the credit for the administrative suspension, current law provides an exception that allows the court to stay the license suspension for up to seven days. This bill provides the same exception for OUI drug suspensions that is currently in effect for OUI alcohol suspensions.

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Enacted Law Summary

Public Law 2017, chapter 99 provides the same exception for OUI drug suspensions that is currently in effect for OUI alcohol suspensions. Current law allows a defendant to receive credit for an OUI alcohol administrative suspension already served from the Secretary of State upon receipt of a court suspension. Because there is a lag between the time the court orders the suspension and the Secretary of State applies the credit for the administrative suspension, current law provides an exception that allows the court to stay the license suspension for up to seven days. This law allows OUI drug suspension credits on the same terms as OUI alcohol suspension credits.

LD 671 An Act To Allow for Accurate Credit for a License Suspension for Operating under the Influence

PUBLIC 107

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

This bill provides that if the Secretary of State administratively suspends a person's license for operating a motor vehicle with an excessive alcohol level or for operating a motor vehicle under the influence of drugs, the amount of time the license was administratively suspended must be deducted when suspending that person's license after a conviction.

Enacted Law Summary

Public Law 2017, chapter 107 provides that if the Secretary of State administratively suspends a person's license for operating a motor vehicle with an excessive alcohol level or for operating a motor vehicle under the influence of drugs, the amount of time the license was administratively suspended must be deducted when suspending that person's license after a conviction.

LD 676 Resolve, To Study the Development of a Behavioral Health Unit at the Cumberland County Jail

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH R CHIPMAN B	ONTP OTP	

This resolve directs the Department of Health and Human Services, the Department of Corrections and the Cumberland County Sheriff's Office to jointly study and recommend a proposal for the development of a behavioral health unit at the Cumberland County Jail to provide support such as substance abuse and mental health services and a diversion program to allow for the rehabilitation of prisoners with behavioral issues. This resolve directs the Department of Health and Human Services, the Department of Corrections and the Cumberland County Sheriff's Office to submit the results of the study along with recommendations to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety, who may report out legislation to the Second Regular Session of the 128th Legislature.

LD 721 An Act To Mandate the Reporting of a Planned Act of Terrorism by a Person with Knowledge of That Plan

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R	OTP-AM	S-114

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This bill makes a person's failure to report a planned act of terrorism to an appropriate law enforcement agency when the person has knowledge of the plan to perform an act of terrorism a Class E crime.

Committee Amendment "A" (S-114)

This amendment replaces the bill. It creates a new strict liability Class C crime for failure to report a planned act of terrorism. A person is guilty of this crime if the person knows that another person is planning to act with terroristic intent and does not report it to law enforcement.

**LD 744 An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Died Between
Maine Criminal Justice Academy Board of Trustees Houses**

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

This bill provides a permanent seat on the Maine Criminal Justice Academy Board of Trustees for a representative of the five Wabanaki tribal governments. The tribal representative must be chosen for a two year term by a process determined by the tribal governments. The process must require that the position rotate among the five tribal governments.

Committee Amendment "A" (H-64)

This amendment is the minority report of the committee. The amendment strikes from the bill the provision that limits to two years the term of the representative of the Wabanaki tribal governments.

This amendment was not adopted.

**LD 745 An Act To Prohibit Female Genital Mutilation Died Between
Houses**

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

This bill makes it a Class B crime to perform female genital mutilation on a female person under 18 years of age for nonmedical purposes. The bill also makes it a Class B crime for a parent, guardian or person who has immediate custody of a female person under 18 years of age to consent to or permit female genital mutilation of that female person for nonmedical purposes or for a person to remove the female person from the State for such a procedure. Under the provisions of the bill it is not a defense that the female person, or the parent, guardian or person who has immediate custody of the female person, consented to the procedure but it is a defense that the procedure was done for medical purposes.

Committee Amendment "A" (H-483)

This amendment, which is the majority report of the committee, elevates from Class B to Class A the new crime of performing female genital mutilation on a female person under 18 years of age. The amendment reduces from a Class B to a Class C crime the first offense of a parent, guardian or custodian of the female person under 18 years of age in consenting to or permitting the procedure but retains as a Class B crime any subsequent offenses. The

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amendment provides a defense to the new crime of female genital mutilation that, when the procedure was consented to or permitted by a parent, guardian or custodian of a female person under 18 years of age, the parent, guardian or custodian was compelled to consent to or permit the procedure by force or by threat of death or bodily injury to that person or another person.

This amendment was not adopted.

Committee Amendment "B" (H-484)

This amendment, which is a minority report of the committee, replaces the bill, changes the title and directs the Department of Health and Human Services to develop, establish and administer a community-based education and outreach program to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced, including a culturally sensitive professional training program. The amendment also provides funding to implement the program.

This amendment was not adopted.

Committee Amendment "C" (H-485)

This amendment, which is a minority report of the committee, elevates from Class B to Class A the new crime of performing female genital mutilation on a female person under 18 years of age. The amendment reduces from a Class B to a Class C crime the first offense of a parent, guardian or custodian of the female person under 18 years of age in consenting to or permitting the procedure but retains as a Class B crime any subsequent offenses. The amendment provides a defense to the new crime of female genital mutilation that, when the procedure was consented to or permitted by a parent, guardian or custodian of a female person under 18 years of age, the parent, guardian or custodian was compelled to consent to or permit the procedure by force or by threat of death or bodily injury to that person or another person.

The amendment also directs the Department of Health and Human Services to develop, establish and administer a community-based education and outreach program to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced, including a culturally sensitive professional training program, and provides funding to implement the program.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-292)

This amendment retains the provisions of the bill, as amended by Committee Amendment "A", and adds a provision directing the Department of Health and Human Services to develop and administer a community-based education and outreach program to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced.

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-298)

This amendment retains the provisions of the bill, as amended by Committee Amendment "A," and adds a provision directing the Department of Health and Human Services, within its existing resources, to administer community-based education and outreach to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced.

This amendment was not adopted.

Senate Amendment "C" To Committee Amendment "A" (S-313)

This amendment removes language that provides a defense to the new crime of female genital mutilation that, when

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the procedure was consented to or permitted by a parent, guardian or custodian of a female person under 18 years of age, the parent, guardian or custodian was compelled to consent to or permit the procedure by force or by threat of death or bodily injury to that person or another person. This amendment also adds a provision directing the Department of Health and Human Services, within its existing resources, to administer community-based education and outreach to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced.

This amendment was not adopted.

Senate Amendment "D" To Committee Amendment "A" (S-341)

This amendment amends the bill, as amended by Committee Amendment "A," to remove language that makes it a crime for a parent, guardian or person who has immediate custody of a female person under 18 years of age to consent to or permit female genital mutilation of that female person for nonmedical purposes or for a person to remove the female person from the State for such a procedure. This amendment also incorporates language from Senate Amendment "C" to Committee Amendment "A," which directs the Department of Health and Human Services, within its existing resources, to administer education and outreach to communities in the State in which the procedure might be practiced.

This amendment was not adopted.

LD 746 Resolve, To Increase the Permissible Size of Bed and Breakfasts ONTP

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

This resolve requires the Department of Public Safety to amend its rules to increase the permissible size of bed and breakfast lodging to a maximum of 11 bedrooms and a maximum of 32 guests.

LD 814 An Act Regarding Court Orders for Completion of a Batterers' Intervention Program in Domestic Violence Cases PUBLIC 105

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-83

This bill requires a court to provide justification when participation in a batterers' intervention program is not ordered in sentencing a person for certain crimes against a current or former spouse, domestic partner, sexual partner or dating partner or an individual with whom the person is living or lived as a spouse. The bill adds an additional purpose to the sentencing provisions of the Maine Criminal Code. The additional purpose recognizes domestic abuse as a serious crime and recognizes certified batterers' intervention programs as the most appropriate and effective community intervention in cases involving domestic abuse.

Committee Amendment "A" (S-83)

This amendment amends the bill as follows.

1. To ensure consistency within the Maine Criminal Code, it replaces the term "domestic abuse" with the term "domestic violence."
2. It clarifies the responsibility of the attorney for the State when submitting a plea agreement to the court as it

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relates to the participation of the person subject to the plea agreement in a certified batterers' intervention program.

Enacted Law Summary

Public Law 2017, chapter 105 requires a court to provide justification when participation in a batterers' intervention program is not ordered in sentencing a person for certain crimes against a current or former spouse, domestic partner, sexual partner or dating partner or an individual with whom the person is living or lived as a spouse. The law also adds an additional purpose to the sentencing provisions of the Maine Criminal Code recognizing domestic violence as a serious crime and recognizing certified batterers' intervention programs as the most appropriate and effective community intervention in cases involving domestic violence.

LD 838 An Act To Prevent Sexual Abuse by Members of the Clergy ONTP

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

This bill makes it unlawful for a member of the clergy who is in a position of trust or authority over another person to use that clergy person's position of trust or authority to engage in a sexual act, sexual contact or sexual touching with the other person. The bill amends the laws on the crimes of gross sexual assault, unlawful sexual contact and unlawful sexual touching.

LD 839 Resolve, To Address Substance Use and Addiction in County Jails Died Between Houses

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

This resolve provides funding to the Department of Corrections to establish a four month pilot project to assist in the rehabilitation of individuals incarcerated at county jails who are experiencing substance use issues or addiction, especially issues or addiction related to opioid use.

Committee Amendment "A" (H-219)

This amendment is the majority report of the committee. The amendment provides funding in the amount of \$300,000 in fiscal year 2017-18 to the County Jail Operations Fund for a pilot project to assist in the rehabilitation of inmates who are experiencing substance use issues or addiction, especially issues or addiction related to opioid use. The bill proposes to provide funding in the amount of \$500,000 for the pilot project.

This amendment was not adopted.

LD 859 An Act To Ensure Thorough Investigation into Allegations of Sexual Assault ONTP

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

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This bill requires the State Police to process a forensic examination kit within 180 days of receipt of a kit that has been used to obtain forensic evidence from an alleged victim of sexual assault or within 180 days of receipt of consent to analysis of that kit by the alleged victim of the sexual assault, whichever occurs later. The bill requires the State Police to conduct annual audits of forensic examination kits and to report to the general public and to the Legislature by July 1, 2018, and annually thereafter, regarding the status of analyses of forensic examination kits in the possession of the State Police.

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

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

This bill provides for a 15% upward adjustment of salary schedules in fiscal year 2017-18 for certain law enforcement positions in the Department of Corrections; the Department of Agriculture, Conservation and Forestry; Baxter State Park Authority; the Department of Defense, Veterans and Emergency Management, Maine Military Authority; the Office of the Attorney General; and the Office of the Secretary of State, Bureau of Motor Vehicles. The bill requires that, beginning in fiscal year 2018-19, revenue from a sales tax imposed on the retail sale of recreational marijuana is to be used to offset the cost of the salary increase for Adult Probation Officer and Juvenile Community Corrections Officer positions in the Department of Corrections.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 888 An Act To Strengthen Protections against Civil Asset Forfeiture Accepted Majority (ONTP) Report

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

This bill requires that for property to be forfeited under the criminal forfeiture laws the owner of the property be convicted of a crime in which the property was involved, and it prohibits a law enforcement agency or other entity from circumventing the law by an agreement to transfer or refer the property seized to a federal agency. This bill also requires that the records of forfeited property be posted by the Department of Public Safety on a publicly accessible website.

Committee Amendment "A" (S-53)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to provide funding to the Department of Public Safety to create and maintain an online system containing records of forfeited property.

This amendment was not adopted.

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LD 892 An Act To Allow an Attorney Responding to an Incident that Involved the Use of Deadly Force To Use Emergency Lights on a Vehicle INDEF PP

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

This bill was not referred to committee.

This bill allows a vehicle operated by an attorney directly involved in and responding to an incident involving the use of deadly force by a law enforcement officer to use a blue light or a combination of blue and white lights and a siren.

LD 908 An Act Establishing the Crime of Child Abuse in the Maine Criminal Code ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H MAKER J	ONTP	

This bill creates the crime of child abuse. Child abuse occurs when a person intentionally, knowingly or recklessly neglects or abuses a child. The sentencing classes for the crime of child abuse range from a Class C crime to a Class A crime, depending on the severity of the abuse and the level of intentionality of the person inflicting the abuse. The bill repeals several provisions regarding endangering the welfare of a child that have been incorporated into the crime of child abuse. It also requires expert testimony from a licensed physician who has completed an accredited residency in psychiatry or a licensed psychologist to establish mental injury in a child abuse case.

LD 918 An Act Regarding Maine's Criminal Code ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the Maine Criminal Code and other laws imposing criminal penalties.

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

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

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

This bill proposes to adopt a law that is based on the Uniform Act on Prevention of and Remedies for Human Trafficking, the text of which may be found here:

<http://legislature.maine.gov/uploads/originals/uniform-act-on-prevention-of-and-remedies-for-human-traf.pdf>.

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This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 983 An Act To Increase Efficiency in the Enforcement of Restitution and Bail Orders

PUBLIC 221

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M MCCREAD D	OTP-AM	S-115

This bill provides that if a court determines that an offender has violated unsecured preconviction bail and that the violation is not excused, the court must enter an order of forfeiture of bail, which may not exceed the amount of the unsecured bail previously set. The bill authorizes an attorney for the State or a prosecutorial district to take action to collect the amount of forfeited bail and requires the State Tax Assessor to withhold funds owed to a taxpayer with regard to whom a forfeiture order has been entered. This bill also allows the court to order the State Tax Assessor to withhold restitution owed by an offender from any tax refund owed to that offender.

Committee Amendment "A" (S-115)

This amendment changes a reference to unpaid judgments to unpaid restitution and changes a cross-reference. The amendment strikes three sections of the bill that are unnecessary because prosecutorial districts are currently authorized to request that the State Tax Assessor offset an income tax refund to satisfy a liquidated debt.

Enacted Law Summary

Public Law 2017, chapter 221 provides that if a court determines that an offender has violated unsecured preconviction bail and that the violation is not excused, the court must enter an order of forfeiture of bail, which may not exceed the amount of the unsecured bail previously set. The law authorizes the State Tax Assessor to withhold funds owed to a taxpayer with regard to whom a forfeiture order has been entered.

LD 986 An Act To Improve School Safety

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D SIROCKI H	ONTP	

This bill provides for a mandatory one-year suspension of a driver's license for a person convicted of terrorizing if the terrorizing causes the evacuation of a public elementary or secondary school. If the person does not have a driver's license, the bill specifies a one-year delay in the issuance of the driver's license from the date of the conviction of the offense or, if the person is not eligible for a driver's license, a one-year delay from the date that the person is eligible for the license. This bill also requires that a notice of the provisions of the law be conspicuously posted in at least one location in every public middle and secondary school.

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

CARRIED OVER

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

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

Committee Amendment "A" (S-265)

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

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

This amendment was not adopted.

Committee Amendment "B" (S-266)

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

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

This amendment was not adopted.

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

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

This amendment was not adopted.

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

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

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medical care provider or firefighter.

This amendment was not adopted.

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

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

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

This amendment was not adopted.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 994 An Act To Increase the Class of Crime for Viewing Animal Fighting ONTP

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

This bill increases the class of crime for viewing animal fighting from a Class D crime to a Class C crime.

LD 1014 An Act To Require A Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle Died Between Houses

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

This bill makes it a Class D crime for a person to fail to inform a law enforcement officer of the person's possession of a hypodermic apparatus on the person's body during the course of any arrest, detention or routine traffic stop of the person.

Committee Amendment "A" (H-147)

This amendment replaces the bill and, like the bill, it establishes the failure to inform a law enforcement officer of a hypodermic apparatus as a Class D crime. If a person discloses the possession of a hypodermic apparatus as required, the amendment makes the hypodermic apparatus and any contents of the apparatus inadmissible as evidence in a prosecution for a violation of the Maine Revised Statutes, Title 17-A, chapter 45.

This amendment was not adopted.

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

CARRIED OVER

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

This bill requires the use of the Uniform Summons and Complaint form for criminal violations of the Maine Revised Statutes, Titles 12, 17-A and 29-A and the Violation Summons and Complaint for civil violations of those titles. This bill requires the Violation Summons and Complaint form to be the same form as that currently used for traffic infractions and standardizes the use, including the issuance and disposition, of that form by law enforcement officers and the Maine Warden Service.

This bill specifies that district attorneys are required to prosecute only criminal violations of the inland fisheries and wildlife laws and removes references to citations, which are no longer used by the warden service.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1050 An Act To Protect the Safety of Emergency Medical Services Personnel and Patients

Died Between Houses

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

This bill authorizes a political subdivision of the State to adopt an order, ordinance, rule or regulation that prohibits a person from having a firearm in the person's possession while inside an emergency medical services vehicle that is owned or operated by or on behalf of the political subdivision.

Committee Amendment "A" (H-337)

This amendment is one of two minority reports from the committee. The amendment does not prohibit a political subdivision of the State from adopting an order, ordinance, rule or regulation that regulates possession of a firearm while inside an emergency medical services vehicle that is owned or operated by or on behalf of the political subdivision.

This amendment was not adopted.

Committee Amendment "B" (H-338)

This amendment is one of two minority reports from the committee. The amendment does not prohibit a political subdivision of the State from adopting an order, ordinance, rule or regulation requiring that a firearm carried inside an emergency medical services vehicle that is owned or operated by or on behalf of the political subdivision be locked in a lockbox by emergency medical services personnel.

This amendment was not adopted.

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LD 1060 Resolve, Directing the Department of Administrative and Financial Services To Convene a Cybersecurity Commission ONTP

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

This resolve directs the Commissioner of Administrative and Financial Services to convene a cybersecurity commission.

LD 1079 An Act To Provide a Defense to Criminal Prosecution for Persons Reporting a Drug-related Medical Emergency Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B KEIM L	OTP-AM ONTP	H-164

This bill exempts from arrest or prosecution a person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance. The person may not be arrested or prosecuted for a violation of laws prohibiting the possession of scheduled drugs, acquiring drugs by deception, the possession of hypodermic apparatuses and the use of drug paraphernalia or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

Committee Amendment "A" (H-164)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment provides an affirmative defense in a prosecution for unlawful possession of scheduled drugs that the evidence of possession was obtained as a result of the person seeking, in good faith, medical assistance for someone experiencing a drug-related overdose or seeking or obtaining medical assistance for a drug-related overdose the person is experiencing. Unlike the bill, the amendment provides that the assertion of this affirmative defense is not grounds for suppression of evidence with respect to any crime.

LD 1090 An Act To Amend the Laws Governing Eluding an Officer Died Between Houses

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

This bill provides, with several specified exceptions, that a person who is a registered owner of a vehicle at the time that vehicle is involved in eluding a law enforcement officer commits a traffic infraction for which a fine of \$500 must be adjudged.

Committee Amendment "A" (S-130)

This amendment is the majority report of the committee. Like the bill, the amendment provides a defense to prosecution for an owner of a vehicle if a person other than the owner is charged with eluding a law enforcement officer. The amendment adds to the provision that, if asked by a law enforcement officer, the owner must disclose the name of the operator of the vehicle. The amendment extends the defense available to a dealer or transporter to a

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dealer who loans the vehicle using loaner plates.

This amendment was not adopted.

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

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-361

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

Part A does the following:

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

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

Part C does the following:

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

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

Part E does the following:

1. Amends Title 17-A, section 1101 by enacting definitions of "cocaine" and "heroin." The definition of "cocaine"

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mirrors that currently found in Title 17-A, section 1102, subsection 1, paragraph F. The definition of "heroin" as "any compound, mixture or preparation containing heroin (diacetylmorphine) in any quantity" is in response to State v. Pinkham, Sr., 2016 ME 59, 137 A. 3d 203; and

2. Repeals the definition of "cocaine" in Title 17-A, section 1102, subsection 1, paragraph F, because its content is moved to section 1101.

Part F of the bill does the following:

1. Amends Title 30-A, section 3821, subsection 3 to clarify that hotel and lodging house registers must be kept for 2 years and must be available for inspection by an agent of the authority that licenses the hotel or lodging house; and

2. Amends Title 34-A, section 1216, subsection 1, paragraph D to clarify that dissemination of certain information pertaining to a person receiving services from the Department of Corrections may be made to any criminal justice agency if necessary to carry out the "administration of criminal justice" as separately defined pursuant to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act, and to carry out the "administration of juvenile criminal justice" and the "administration of juvenile justice" as separately defined pursuant to the Maine Juvenile Code.

Committee Amendment "A" (H-361)

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

This bill was reported out of committee and then carried over to the next special regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1092 An Act To Exempt United States Military Recruiters from Paying Fees ONTP
for Criminal History Record Checks

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C CYRWAY S	ONTP	

This bill provides an exemption to recruiters for the Armed Forces of the United States from the fee charged by the State Bureau of Identification for criminal history record checks.

LD 1128 Resolve, To Establish the Committee To Study the Processing of Died On
Evidence from Sexual Assault Test Kits Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M BELLOWS S	OTP-AM ONTP	H-253

This resolve establishes the Committee To Study the Processing of Evidence from Sexual Assault Test Kits. The resolve provides for an 11-member committee that will study the processing of evidence from sexual assault test kits and make recommendations and submit suggested legislation in a report to the Joint Standing Committee on Criminal Justice and Public Safety by December 6, 2017. The resolve authorizes the committee to seek funding contributions to partially or fully fund the costs of the study but does not make the work of the committee contingent on outside funding.

Committee Amendment "A" (H-253)

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This amendment removes the requirement that the representative of an organization working to provide victim services to victims of sexual violence and who has had experience in accompanying victims during the collection of forensic evidence be from a statewide organization.

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

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

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

This resolve requires the salary schedules for law enforcement positions in the Department of Corrections to be adjusted upward by 15%.

This resolve was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1154 *An Act To Provide a Voluntary Method of Determining Whether a Purchaser of a Firearm Is Prohibited from Possessing a Firearm without a Background Check* ONTP

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

This bill establishes a voluntary method of establishing that a person is not disqualified from possessing a firearm without the need for a criminal background check at the time of the sale. This bill allows an individual who is not a licensed firearm dealer, when selling a firearm, to request proof that the buyer is not disqualified from possessing a firearm. The buyer may present a Maine driver's license or nondriver identification card that has been issued by the Secretary of State that contains indicia of the holder's qualification to possess a firearm as acceptable proof, without the need for a criminal background check.

Beginning in 2018, an applicant for a driver's license or nondriver identification card may request the Secretary of State to verify whether the applicant is disqualified from possessing a firearm. If the applicant is not disqualified, the Secretary of State must indicate that through the use of a permanent mark or some other discreet indicia on the back of the license or identification card. The Secretary of State is required to conduct a public awareness program to inform the public of this method of determining whether the holder of a driver's license or nondriver identification card is qualified to possess a firearm.

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

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

This resolution proposes to amend the Constitution of Maine to enact a Victims' Bill of Rights, designed to ensure specific rights for victims of crime. The purpose of this resolution is to place into the Constitution of Maine various

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rights regarding notification of public proceedings at which the victim has a right to be heard, the right to confer with the prosecution and the right to prompt and full restitution. This resolution requires a court to grant a request by the victim to enforce the rights of the victim and to provide a remedy for violations of the victim's rights, including the appeal of a sentence. This resolution does not provide a victim a cause of action for compensation or damages against the State or a political subdivision of the State, including the courts, or any officer, employee or agent of the State or a political subdivision of the State.

This bill was carried over to any special or regular sессion of the 128th Legislature by joint order, H.P. 1138.

LD 1173 An Act To Require That Information on Prisoners' Furlough Be Reported to the National Crime Information Center, Department of Public Safety and State Bureau of Identification ONTP

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

This bill requires the sheriff or administrator of a county jail or regional jail and the chief administrative officer of a correctional facility or detention facility to report information on a prisoner who is granted a furlough to the Federal Bureau of Investigation, National Crime Information Center; the Department of Public Safety for access to that information by law enforcement officers; and the Department of Public Safety, Bureau of State Police, State Bureau of Identification. This information must include the name and date of birth of the prisoner, the name of the county jail, regional jail, correctional facility or detention facility to which the prisoner is committed, the beginning and end times for the furlough and any conditions of release.

LD 1175 An Act To Expand Options for the Prevention of Domestic Violence Accepted Majority (ONTP) Report

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

This bill creates a gun violence restraining order to authorize a court to order a person to surrender that person's firearms and ammunition for a specific period of time when it has been proved that the person poses a danger of causing personal injury to that person or another person. The bill provides that:

1. A law enforcement officer may file for a temporary emergency gun violence restraining order, which expires in 21 days;
2. A law enforcement officer or a family or household member of the person may request an ex parte gun violence restraining order, which expires in 21 days. The court is required to hold a hearing to determine if a one-year order should be issued within 21 days;
3. A law enforcement officer or a family or household member of the person may request that a one-year gun violence restraining order be issued. The plaintiff must prove by clear and convincing evidence that the person poses a significant danger and that the order is necessary to prevent injury because less restrictive alternatives have been tried or are inappropriate in the specific case;
4. The subject of a gun violence restraining order is required to surrender all firearms and ammunition in the person's possession to a law enforcement officer or to sell the firearms and ammunition to a federally licensed

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firearms dealer. If the firearms and ammunition are surrendered to a law enforcement agency, the firearms and ammunition must be returned to the person at the expiration of the gun violence restraining order; and

5. A person who possesses firearms or ammunition in violation of a gun violence restraining order commits a Class D crime. Part of the sentence must include the prohibition on possession of firearms and ammunition for an additional five years.

Committee Amendment "A" (S-250)

This amendment, which is the minority report of the committee, replaces the bill and creates a judicial process for the imposition of a gun violence restraining order whereby a court is authorized to order a person to surrender that person's firearms for a six-month period of time when it has been proved by clear and convincing evidence that the person poses a danger of causing personal injury to that person or to another person. A person who possesses a firearm in violation of a gun violence restraining order commits a Class D crime, the sentence for which must include a prohibition on the possession of firearms for a five-year period of time. The amendment also adds an appropriations and allocations section to provide funding to address anticipated new cases and required information technology updates within the Judicial Department and to provide funding to the Department of Public Safety for increased storage costs relating to retaining firearms under a gun violence restraining order process.

This amendment was not adopted.

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

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

This bill provides funding to expand the use of electronic monitoring as part of a coordinated response to domestic violence, sexual assault and stalking. It provides funds for victim advocates and case management and funds to support the cost of electronic monitoring for indigent offenders and for victims who may choose to carry a corresponding device.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1202 An Act To Clear a Path to Employment CARRIED OVER

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

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1219 An Act To Amend the Laws Governing Forensic Examination Kits

PUBLIC 156

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-161

This bill amends laws governing forensic examination kits to provide for the kits to be used for testing in relation to alleged crimes other than gross sexual assault. This bill also provides that rules that have been adopted by the Department of Public Safety to implement the Maine Revised Statutes, Title 25, sections 2915 and 3821 may be amended to reflect the changes set forth in this Act without triggering the requirements set forth in the Maine Administrative Procedure Act.

Committee Amendment "A" (S-161)

This amendment amends the laws governing forensic examination kits to provide for the kits to be used for testing in relation to alleged sexual assault crimes other than gross sexual assault, making that change in the Maine Revised Statutes, Title 5, section 3360-M and Title 24, section 2986. The amendment changes the tracking number used on the completed kit from a number assigned by the hospital or health care practitioner to the number assigned by the kit manufacturer. The amendment requires the Victims' Compensation Board to amend its rules regarding forensic examination test kits.

Enacted Law Summary

Public Law 2017, chapter 156 amends the laws governing forensic examination kits to provide for the kits to be used for testing in relation to alleged sexual assault crimes other than gross sexual assault, making that change in the Maine Revised Statutes, Title 5, section 3360-M and Title 24, section 2986. The law changes the tracking number used on the completed kit from a number assigned by the hospital or health care practitioner to the number assigned by the kit manufacturer. The law requires the Victims' Compensation Board to amend its rules regarding forensic examination test kits.

LD 1220 An Act To Repeal the Former Interstate Compact for Juveniles

PUBLIC 127

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

This bill repeals the Uniform Interstate Compact on Juveniles. This compact has been superseded by the Interstate Compact for Juveniles, which has now been ratified by all states.

Enacted Law Summary

Public Law 2017, chapter 127 repeals the Uniform Interstate Compact on Juveniles. This compact has been superseded by the Interstate Compact for Juveniles, which has now been ratified by all states.

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LD 1221 An Act To Clarify and Amend Certain Provisions of Law Regarding Victim Services

PUBLIC 128

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-116

This bill adds to the protections of the victim notification laws by requiring victim notification of funeral and deathbed visits by prisoners, by adding to the definition of "victim" a person who has obtained from a court a protection from abuse order or received court approval for a protection from abuse consent agreement and by allowing victims to request notification directly from the Department of Corrections.

It allows a court to revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited by a condition of probation or by the department.

It also eliminates two redundant statutory provisions regarding the department's Victim Services Coordinator and allows the Commissioner of Corrections to delegate supervision of the coordinator.

Committee Amendment "A" (S-116)

This amendment amends the bill by providing that a court may revoke the probation of an offender who has contact with a victim during incarceration at a county or regional jail if contact has been prohibited by the county or regional jail. The bill provides that a court may revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited by a condition of probation or by the Department of Corrections.

Enacted Law Summary

Public Law 2017, chapter 128 adds to the protections of the victim notification laws by requiring victim notification of funeral and deathbed visits by prisoners, by adding to the definition of "victim" a person who has obtained from a court a protection from abuse order or received court approval for a protection from abuse consent agreement and by allowing victims to request notification directly from the Department of Corrections.

The law also allows a court to revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited by a condition of probation, by the department or by a county or regional jail. It eliminates two redundant statutory provisions regarding the department's Victim Services Coordinator and allows the Commissioner of Corrections to delegate supervision of the coordinator.

LD 1223 An Act To Facilitate the Continued Operation of the Department of Corrections Intensive Mental Health Unit

**PUBLIC 147
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K LONGSTAFF T	OTP	

This bill removes the provisions of law that on August 1, 2017 repeal provisions enacted in Public Law 2013, chapter 434 that enable the Department of Corrections to establish an intensive mental health unit, which provides services to the department's prisoners and to prisoners of jails, and that enable the department to obtain court orders for the involuntary medication of prisoners with mental illness.

Enacted Law Summary

Public Law 2017, chapter 147 removes the August 1, 2017 sunset provisions applicable to Public Law 2013, chapter 434 that enable the Department of Corrections to establish an intensive mental health unit within the Maine State

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Prison. The intensive mental health unit provides services to the department's prisoners and to prisoners of jails and enables the department to obtain court orders for the involuntary medication of prisoners with mental illness.

Public Law 2017, chapter 147 was enacted as an emergency measure effective June 8, 2017.

LD 1238 An Act To Permit the Expungement of Records Relating to Proceedings That Do Not Result in Convictions ONTP

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

This bill establishes a process for an individual who was arrested for or charged with a state crime, but who was not ultimately convicted of that state crime or a related crime, to seek expungement of all criminal history records held by a law enforcement agency or state court concerning the individual's arrest or the state court criminal proceeding.

LD 1261 An Act To Protect Children from Sex Trafficking PUBLIC 135

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B STEWART H	OTP-AM	S-92

This bill:

1. Creates the crime of electronic enticement of a minor to engage in a commercial act as a Class C crime;
2. Creates the crime of arranging travel for sex tourism involving a minor as a Class C crime; and
3. Includes in the elements of the crime of aggravated sex trafficking when a person purchases or solicits or offers or attempts to purchase or solicit a sexual act with a minor or a person the person believes to be a minor.

Committee Amendment "A" (S-92)

This amendment replaces the bill and creates a new Class D crime of soliciting a child to engage in prostitution if the actor knowingly solicits directly or indirectly by any means a person the actor knows or believes is under 18 years of age to engage in prostitution.

Enacted Law Summary

Public Law 2017, chapter 135 creates a new Class D crime of soliciting a child to engage in prostitution if the actor knowingly solicits directly or indirectly by any means a person the actor knows or believes is under 18 years of age to engage in prostitution.

LD 1266 An Act To Transfer Operations and Ownership of County Jail Facilities to the State ONTP

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

This bill establishes the process for transferring county jail facilities and operational responsibilities to the State as

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of July 1, 2020.

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

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1296 An Act To Prohibit the Privatization of State Correctional Facilities and the State's Forensic Hospitals **Died Between Houses**

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

This bill prohibits the privatization of state correctional facilities and forensic hospitals that provide psychiatric services to the correctional system and the Maine court system.

Committee Amendment "A" (H-486)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment provides findings of legislative intent and prohibitions on contracting for certain services by the Department of Corrections with regard to correctional services and the Department of Health and Human Services with regard to state mental health institutes and less intensive residential facilities for persons in the custody of the Commissioner of Health and Human Services. The services that may not be contracted are services relating to the operation of direct care and supervision, administration and management, with an exception for services subject to a contract on the effective date of the Act or services that are similar to those contracted services that are provided by a contract entered into after the effective date of the Act. The amendment prohibits the Department of Corrections from decreasing the population, capacity or staffing of a state correctional facility by more than 25% within any fiscal biennium unless the department has first sought the participation and approval of the Legislature through legislation or major substantive rules. The amendment requires that any action by the department to decrease population, capacity or staffing of a state correctional facility in excess of the limit of 25% within any fiscal biennium may only be taken after passage of legislation by the Legislature and approval by the Governor or adoption of major substantive rules on a nonemergency basis, as provided in the Maine Revised Statutes, Title 5, section 8072, subsections 1 and 2 and approval of the Legislature as provided in Title 5, section 8072, subsections 8 and 9.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-296)

This amendment provides that a state correctional facility established in the Maine Revised Statutes may be closed only after enactment of legislation by the Legislature approving the closure.

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This amendment was not adopted.

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

CARRIED OVER

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

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

Committee Amendment "A" (H-499)

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

Committee Amendment "B" (H-500)

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

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

This amendment was not adopted.

LD 1332 An Act To Prohibit Possession of Black Powder and Muzzle-loading Firearms by Certain Persons

PUBLIC 227

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERRICK L CYRWAY S	OTP-AM	H-336

Currently, the only nonconcealed firearm permit that the Commissioner of Public Safety grants to a person convicted of certain crimes, formerly known as felonies, is a permit to possess a black powder weapon, also known

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as a muzzle-loading firearm. This bill repeals the provisions in law allowing a person convicted of certain crimes that involve the use of a firearm against a person or any other dangerous person to obtain a permit to carry a nonconcealed firearm five years after the discharge of the person's sentence through an application process with the commissioner.

Committee Amendment "A" (H-336)

This amendment establishes that on or after January 1, 2018 the Commissioner of Public Safety may no longer authorize a person to own, possess or have control of a firearm if that person was convicted of certain Class A, Class B and Class C crimes involving the use of a firearm against a person or the use of any other dangerous weapon.

Enacted Law Summary

Public Law 2017, chapter 227 establishes that on or after January 1, 2018 the Commissioner of Public Safety may no longer authorize a person to own, possess or have control of a firearm if that person was convicted of certain Class A, Class B and Class C crimes involving the use of a firearm against a person or the use of any other dangerous weapon.

LD 1333 An Act To Enact the Drug Trafficking Offender Registration and Notification Act ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L CYRWAY S	ONTP	

This bill creates the Drug Trafficking Offender Registration and Notification Act, structured like the Sex Offender Registration and Notification Act of 2013, for the registration of persons convicted of certain drug trafficking offenses on or after October 1, 2017. This bill also suspends for the period of registration a registrant's rights against unreasonable searches under the United States Constitution, Amendment IV.

LD 1366 An Act To Protect Maine Consumers by Creating a White-collar Crime Registry ONTP

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

This bill establishes the White-collar Crime Offender Registration Act, which creates a crime registry that requires offenders who commit certain criminal offenses involving fraud or theft to register with the Department of Public Safety, Bureau of State Police, State Bureau of Identification for 10 years to life depending on how many registrable offenses they commit. The bill requires the bureau to post the registry on a publicly accessible website and allows an offender to be removed from the registry if the offender meets various criteria or if the registrable offense has been pardoned or expunged.

LD 1387 An Act Regarding the Threatened Use of Force in the Crime of Robbery PUBLIC 157

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S BRADSTREET R	OTP-AM	S-160

This bill adds in the language setting out the crime of robbery in the element of threatened use of force the

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alternative element of intimidation, which the bill defines as direct or indirect threatening or placing in fear.

Committee Amendment "A" (S-160)

This amendment clarifies that the crime of robbery includes the threatened use of force and intentionally or knowingly placing a person present in fear of the imminent use of force. The amendment removes from the bill the use of the concept of intimidation.

Enacted Law Summary

Public Law 2017, chapter 157 includes in the crime of robbery the threatened use of force and intentionally or knowingly placing a person present in fear of the imminent use of force.

LD 1388 An Act To Prohibit the Falsification of Medical Records CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM ONTP	S-162

This bill provides that the falsification of health care records maintained by a health care provider with the intent to deceive another person is a Class D crime except that it is a Class C crime if any reliance on the falsification causes bodily injury or the impairment of a person's mental or behavioral condition.

Committee Amendment "A" (S-162)

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

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1389 An Act To Disburse Funds to the Maine Fire Protection Services Commission CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1390 An Act To Enhance the Rights of Families of Missing Persons and Homicide Victims Accepted Majority (ONTP) Report

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

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This bill amends the current law regarding victims' rights to enhance and improve the communication between law enforcement agencies and prosecutors and the families of murder victims and missing persons and to increase public awareness of unsolved murder and missing person cases. Specifically, this bill:

1. Requires the Department of Public Safety to establish a publicly accessible website that contains relevant information about open, or unsolved, murder and missing person cases;
2. Requires the law enforcement agency responsible for the investigation of an open murder or missing person case to hold a press conference or issue a press release annually on the anniversary date of the murder or the day the person was reported missing regarding the status of the case, unless the family of the victim requests otherwise;
3. Allows the family of a murder victim or missing person to seek the assistance of an investigative journalism organization and requires the investigating law enforcement agency to cooperate with the organization to the extent that cooperating does not jeopardize the resolution of the case;
4. After a case has been open for at least 10 years, allows the family to require the investigating law enforcement agency to seek help in solving the case from a federal law enforcement agency;
5. Requires at least annual communication by the investigating law enforcement agency and a victim advocate with the family of a murder victim or a missing person regarding the status of the case, unless the family requests otherwise. Any change in status or new information regarding the case must be reported to the family within 14 days; and
6. Requires that personal property that belonged to the murder victim or missing person in the possession of the State be returned to the family of the victim or person if it is determined that the property is not necessary to the investigation or prosecution of the case and requires the family to be notified if any other evidence collected, compiled or produced during the investigation is destroyed or lost.

The actions required by this legislation are intended to be in addition to the rights of and responsibilities to victims and victims' families already in statute.

Committee Amendment "A" (H-340)

This amendment is the minority report of the committee. The amendment replaces the bill and changes the title. The amendment requires the Department of Public Safety to adopt a policy that provides a procedure for a victim of an unsolved crime to request and receive annual updates from the department regarding the status of the investigation of the crime.

This amendment was not adopted.

LD 1401 An Act To Allow Nonviolent Felons To Own Firearms at the Court's Discretion ONTP

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

This bill allows a court to exempt from the prohibition against owning a firearm a person convicted of a Class A, Class B or Class C crime or a similar offense if bodily injury to another person was not threatened and did not result and the court determines that the person does not pose a threat to public safety.

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

CARRIED OVER

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

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

It proposes to enact measures designed to ensure the availability in county jails of in-person visitation between a prisoner and a visitor of the prisoner. In addition to requiring that all prisoners have the opportunity for in-person visits in county jails, such measures may include:

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

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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

CARRIED OVER

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

This bill provides for deductions from a prison sentence based on achievement of goals in a person's transition plan for educational, vocational, career or technical training programs or mental health treatment or substance abuse treatment programs for a person who commits a crime on or after October 1, 2017. The deductions are earned upon achievement of a transition plan goal and may not be denied or withdrawn based on consideration of disciplinary factors or daily attendance or a decision of an employee of the Department of Corrections. A person may earn only one deduction per sentence of imprisonment. The goals and the deductions are: for achievement of a high school equivalency diploma, a deduction of 90 days from the sentence; for achievement of an adult high school diploma, a deduction of 120 days; for achievement of an associate degree from an accredited institution of higher education, a deduction of 180 days; for achievement of a bachelor's degree from an accredited institution of higher education, a deduction of 365 days; for achievement of completion of a vocational, career or technical training program authorized and approved by the department, a deduction of 60 days; for achievement of completion of a mental health program and treatment course, a deduction of 60 days; and for achievement of completion of a substance abuse program and treatment course, a deduction of 60 days.

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This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1427 An Act To Make Community Paramedicine Services Permanent

PUBLIC 276

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K	OTP-AM	H-489

This bill makes community paramedicine pilot projects established by the Emergency Medical Services' Board permanent. The bill also prohibits the use of state funds to fund community paramedicine projects.

Committee Amendment "A" (H-489)

This amendment changes the term in the bill "community paramedicine projects" to "community paramedicine services." The amendment strikes the provision of the bill that prohibits the use of state funds for the purposes of the bill.

Enacted Law Summary

Public Law 2017, chapter 276 makes community paramedicine services established by the Emergency Medical Services' Board permanent, no longer pilot projects.

LD 1428 An Act To Relieve Overcrowding in County Jails

Accepted Majority (ONTP) Report

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

This bill requires that a probationer held without bail pending hearing after an initial appearance for a probation violation must be transferred to the custody of the Department of Corrections and within seven days transported to a department facility.

Committee Amendment "A" (H-507)

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

This amendment was not adopted.

LD 1429 An Act Regarding the Epidemic of Opiate Abuse

CARRIED OVER

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

This bill addresses the opiate crisis in Maine by:

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

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2. Clarifying that the Class B crimes of aggravated furnishing of scheduled drugs and aggravated trafficking or furnishing of counterfeit drugs are for the death of another person, whose death was caused by drugs furnished by the defendant; and
3. Requiring the Department of Health and Human Services to provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the Controlled Substances Prescription Monitoring Program, including the number of prescribers participating and trends in prescription practices.

Committee Amendment "A" (H-510)

This amendment adds to the bill new variants of aggravated trafficking of scheduled drugs that includes trafficking in scheduled drugs when the trafficked scheduled drug was a contributing factor in the death of another person, a Class A crime, or serious bodily injury of another person, a Class B crime. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1457	An Act To Rename and Repurpose the Mountain View Youth Development Center as the Mountain View Correctional Facility and To Eliminate the Charleston Correctional Facility as a Facility Separate from Mountain View	PUBLIC 148 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-158

This bill amends the statutes to reflect that Mountain View Youth Development Center is now largely being used to house adult prisoners, though there are still retained provisions related to the juvenile detention unit. It also repeals the provisions related to the Charleston Correctional Facility.

Committee Amendment "A" (S-158)

This amendment strikes those sections of the bill that address payment by the Department of Education for special education services and coordination of services for juvenile offenders in the custody of or under the supervision of the Department of Corrections.

Enacted Law Summary

Public Law 2017, chapter 148 amends the statutes to reflect that Mountain View Youth Development Center is being used to house adult prisoners, although it is authorized to include the juvenile detention unit. The law repeals the provisions of law related to the Charleston Correctional Facility.

Public Law 2017, chapter 148 was enacted as an emergency measure effective June 8, 2017.

LD 1458	An Act To Amend the Law Relating to the Crime of Hindering Apprehension or Prosecution	PUBLIC 149 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-157

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This bill includes in the crime of hindering apprehension or prosecution those who hinder the apprehension or prosecution of those who violate probation, supervised release for sex offenders or parole.

Committee Amendment "A" (S-157)

This amendment strikes the bill and creates the new crimes of hindering the apprehension or prosecution of a violator of either administrative release, probation, supervised release for sex offenders or parole or deferred disposition. It also clarifies the class of crime for hindering apprehension or prosecution when the underlying crime is a Class E crime.

Enacted Law Summary

Public Law 2017, chapter 149 creates the new crimes of hindering the apprehension or prosecution of a violator of either administrative release, probation, supervised release for sex offenders or parole or deferred disposition. It specifies that the class of crime for hindering apprehension or prosecution is one class lower than the crime for which the person was originally sentenced, except that when the person was originally sentenced for a Class E crime the class for hindering is a Class E crime.

Public Law 2017, chapter 149 was enacted as an emergency measure effective June 8, 2017.

LD 1462 Resolve, To Establish a Pilot Project To Facilitate the Acquisition of Basic Emergency Medical Training in Rural Communities in the State Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M GILLWAY J	OTP-AM	S-159

The purpose of this resolve is to address issues of recruitment of emergency medical services personnel in the rural areas of the State. This resolve directs the Department of Public Safety, Maine Emergency Medical Services to establish an emergency medical services apprenticeship pilot project to expand the pool of available emergency medical services personnel. Maine Emergency Medical Services is directed to establish apprenticeship programs in four geographically diverse towns in the State having 5,000 or fewer residents and provide accessible and affordable basic emergency medical training classes in those towns.

Committee Amendment "A" (S-159)

This amendment retains the purpose of the resolve, to address issues of recruitment of emergency medical services personnel in rural areas of the State through a pilot project, but changes the focus to the development and delivery of community medical responder apprenticeship programs. The pilot project is intended to expand the pool of available emergency medical services personnel by providing potential new responders opportunities for training in an affordable and accessible manner. The amendment changes the number of apprenticeship programs from four to six.

LD 1469 An Act Relating to Firearms Exclusions in Certain Locations ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY M BRAKEY E	ONTP	

This bill provides that a person that prohibits the possession of firearms on property by an individual otherwise authorized to carry a firearm thereby assumes absolute custodial responsibility for the safety and defense of the individual prohibited from possessing a firearm while that individual is on that property and while that individual is

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on any property that individual is required to traverse in order to travel to and from the location where that individual's firearm is stored. An individual prohibited from possessing a firearm who is otherwise authorized to carry a firearm and who is injured, suffers bodily injury or death or incurs economic loss or expense, property damage or any other compensable loss as the result of conduct occurring on property on which the possession of a firearm is prohibited has a cause of action against the person that prohibits the possession of firearms on that property.

LD 1490 An Act To Stabilize Funding for the County Jails

CARRIED OVER

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

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

Committee Amendment "A" (S-268)

This amendment:

1. Separates the County Jail Operations Fund into a County Jail Operations Fund and a new County Jail Community Corrections Fund; and
2. Provides \$3,800,000 per year in additional funding for the County Jail Operations Fund.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1493 An Act To Strengthen Enforcement of Support Orders

ONTP

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

This bill establishes mandatory minimum sentences for the Class E crime of nonsupport of dependents, with one weekend of imprisonment for the first offense, two weekends of imprisonment for the second offense and, for the third and subsequent offenses, 30 days of imprisonment under administrative release in accordance with which the convict is required to report to a correctional facility of the court's designation with imprisonment for no fewer than eight hours per day as designated by the court.

LD 1512 An Act To Protect the Health and Safety of First Responders

PUBLIC 292

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M	OTP-AM OTP-AM ONTP	H-512 H-547 LONGSTAFF T

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This bill makes it a crime for a person, knowing the person is infected with an aggressive blood-borne pathogen, to intentionally, knowingly or recklessly cause any of the person's body fluids to be exposed to a first responder while the first responder is performing official duties. The bill also requires a person who has exposed that person's body fluids to a first responder in the course of the first responder's official duties to submit to a blood-borne pathogen test to test for aggressive blood-borne pathogens. If there is reasonable cause to suspect that the person's body fluids might contain such a pathogen, a justice, judge or justice of the peace may issue a search warrant to compel the person to submit to testing. Subsequent testing arising out of the same incident of exposure may also be conducted.

Committee Amendment "A" (H-511)

This amendment is the majority report of the committee. The amendment retains in the crime of exposure of a first responder to body fluids the mens rea of intentionally, knowingly or recklessly and removes the word "willfully." The amendment defines the term exposure.

This amendment was not adopted.

Committee Amendment "B" (H-512)

This amendment is a minority report of the committee. The amendment strikes from the bill the new crime of willful exposure of a first responder to body fluids. The amendment retains the provision of the bill on emergency blood-borne pathogen testing.

House Amendment "A" To Committee Amendment "B" (H-547)

This amendment replaces the provision of Committee Amendment "B" regarding emergency blood-borne pathogen testing. Under this amendment, if a first responder who has been exposed to a person's body fluids in the course of the first responder's official duties petitions the court to order a blood test:

1. The District Court must schedule a hearing to be held within 72 hours of the filing of the petition;
2. Any appeal of the District Court's decision must be filed no later than 24 hours following the court's decision; and
3. Upon receipt by the Superior Court of the appeal, the court must schedule a hearing to be held within 72 hours.

Enacted Law Summary

Public Law 2017, chapter 292 requires a person who has exposed that person's body fluids to a first responder in the course of the first responder's official duties to submit to a blood-borne pathogen test to test for aggressive blood-borne pathogens under the procedures in the law. If a first responder who has been exposed to a person's body fluids in the course of the first responder's official duties petitions the court to order a blood test the following steps will be taken prior to the blood-borne pathogen test being administered:

1. The District Court must schedule a hearing to be held within 72 hours of the filing of the petition and the court may order the test to be administered;
2. If there is an appeal of the District Court order, any appeal of the District Court's decision must be filed no later than 24 hours following the court's decision; and
3. Upon receipt by the Superior Court of the appeal, the court must schedule a hearing to be held within 72 hours.

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the suspension and send written notice of the suspension to the person whose license has been suspended. If that person does not have a driver's license or that person's driver's license is already suspended, the Secretary of State is required to delay the issuance or reinstatement of that person's license for the period specified by the court; and

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

Committee Amendment "A" (S-310)

This amendment is the minority report of the committee and replaces the bill. The amendment brings Maine's driver's license suspension provisions into compliance with the federal Controlled Substances Act of 1970. The amendment provides a mandatory six month driver's license suspension or delay in issuance or reinstatement for certain drug convictions and operating under the influence convictions, providing an exception for compelling circumstances. The amendment enacts similar penalties and exceptions for certain juvenile drug crime convictions and adjudications. The amendment provides for notice to the Secretary of State when a court suspends or delays a driver's license under the law, recording of the suspension and a procedure for notice to the driver. The amendment provides for notice to and suspension by the Secretary of State when a court enters a judgment of conviction under the law. The amendment also adds an appropriations and allocations section.

Joint Standing Committee on Criminal Justice and Public Safety

SUBJECT INDEX

Asset Forfeiture

Not Enacted

LD 888	An Act To Strengthen Protections against Civil Asset Forfeiture	Majority (ONTP) Report
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Criminal History Record Information/DNA/Forensics

Not Enacted

LD 1092	An Act To Exempt United States Military Recruiters from Paying Fees for Criminal History Record Checks	ONTP
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Criminal Law

Enacted

LD 179	An Act To Make Creating a Police Standoff a Class E Crime	PUBLIC 86
LD 1387	An Act Regarding the Threatened Use of Force in the Crime of Robbery	PUBLIC 157
LD 1458	An Act To Amend the Law Relating to the Crime of Hindering Apprehension or Prosecution	PUBLIC 149 EMERGENCY

Not Enacted

LD 18	An Act To Make Exposing a Law Enforcement Officer to a Disorienting Substance a Crime	Majority (ONTP) Report
LD 42	An Act To Deter the Dealing of Dangerous Drugs	Died Between Houses
LD 92	An Act To Require a Person Who Provides Illegal Drugs To Give Medical Aid to Another Person in Medical Distress Due to That Illegal Drug Transaction	Majority (ONTP) Report
LD 251	An Act Regarding Refusing To Submit to Arrest or Detention	Minority (ONTP) Report
LD 346	An Act To Make Abuse of Corpse a Class C Crime	Died On Adjournment
LD 721	An Act To Mandate the Reporting of a Planned Act of Terrorism by a Person with Knowledge of That Plan	Veto Sustained

LD 745	An Act To Prohibit Female Genital Mutilation	Died Between Houses
LD 908	An Act Establishing the Crime of Child Abuse in the Maine Criminal Code	ONTP
LD 918	An Act Regarding Maine's Criminal Code	ONTP
LD 990	An Act To Prevent Violence against Law Enforcement Officers, Emergency Medical Care Providers and Firefighters	CARRIED OVER
LD 994	An Act To Increase the Class of Crime for Viewing Animal Fighting	ONTP
LD 1014	An Act To Require A Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle	Died Between Houses
LD 1048	An Act To Reclassify Certain Offenses and Increase the Efficiency of the Criminal Justice System	CARRIED OVER
LD 1079	An Act To Provide a Defense to Criminal Prosecution for Persons Reporting a Drug-related Medical Emergency	Veto Sustained
LD 1090	An Act To Amend the Laws Governing Eluding an Officer	Died Between Houses
LD 1168	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights	CARRIED OVER
LD 1388	An Act To Prohibit the Falsification of Medical Records	CARRIED OVER
LD 1493	An Act To Strengthen Enforcement of Support Orders	ONTP

Criminal Procedure/Bail/Sentencing

Enacted

LD 332	An Act Regarding Service of Criminal Process on Electronic Communication Service Providers and Remote Computing Service Providers	PUBLIC 144 EMERGENCY
LD 983	An Act To Increase Efficiency in the Enforcement of Restitution and Bail Orders	PUBLIC 221

Not Enacted

LD 102	An Act To Make a Person Convicted of a Crime Liable for Payment of Investigative and Prosecutorial Costs	ONTP
LD 141	An Act Regarding Bringing Certain Criminal Charges	ONTP

LD 374	An Act To Recodify and Revise Certain Portions of the Maine Criminal Code	Veto Sustained
LD 449	An Act To Add Domestic Violence against the Victim as an Aggravating Factor in Sentencing for Murder	CARRIED OVER
LD 514	An Act To Authorize the Expungement of Records of Nonviolent Crimes	ONTP
LD 639	An Act To Require an Interstate Identification Index System Background Check for Certain Crimes	ONTP
LD 640	An Act To Require an Ontario Domestic Assault Risk Assessment prior to Setting Bail in Domestic Violence Arrests in Which the Alleged Abuser Has Been Taken into Custody	ONTP
LD 665	An Act To Give the Courts Sentencing Discretion When a Person with a Developmental Disability Has Been Convicted of a Crime	Majority (ONTP) Report
LD 1091	An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes	CARRIED OVER
LD 1202	An Act To Clear a Path to Employment	CARRIED OVER
LD 1238	An Act To Permit the Expungement of Records Relating to Proceedings That Do Not Result in Convictions	ONTP
LD 1268	An Act To Enhance Pretrial Justice through Risk-based Decision Making with Enhanced Diversion, Release and Treatment Options for Eligible Defendants	CARRIED OVER
LD 1366	An Act To Protect Maine Consumers by Creating a White-collar Crime Registry	ONTP

Department of Corrections

Enacted

LD 1457	An Act To Rename and Repurpose the Mountain View Youth Development Center as the Mountain View Correctional Facility and To Eliminate the Charleston Correctional Facility as a Facility Separate from Mountain View	PUBLIC 148 EMERGENCY
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Not Enacted

LD 589	Resolve, To Establish a Working Group To Review the Function and Mission of Probation Officers and Establish a Licensing Procedure	Majority (ONTP) Report
LD 1296	An Act To Prohibit the Privatization of State Correctional Facilities and the State's Forensic Hospitals	Died Between Houses

LD 1322	An Act Regarding Mental Health First Aid Training for Corrections Personnel	CARRIED OVER
LD 1606	An Act To Remove the Reporting Requirement of the Office of Victim Services	ONTP

Domestic Violence

Enacted

LD 511	An Act To Amend the Laws Governing Domestic Violence and Setting Preconviction Bail	PUBLIC 66
LD 814	An Act Regarding Court Orders for Completion of a Batterers' Intervention Program in Domestic Violence Cases	PUBLIC 105

Not Enacted

LD 523	Resolve, To Establish the Commission To Review the Laws Governing Domestic Violence	Died On Adjournment
LD 524	An Act To Amend the Laws on Domestic Violence	CARRIED OVER
LD 525	An Act To Enhance Maine's Response to Domestic Violence	CARRIED OVER
LD 1183	An Act To Expand Use of Electronic Monitoring in Domestic Violence, Sexual Assault and Stalking Cases	CARRIED OVER

Drugs

Enacted

LD 1546	An Act To Clarify the Language Defining Schedule W Drugs and To Add Drugs to the List of Schedule W Drugs	PUBLIC 274
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Not Enacted

LD 249	An Act To Fund and Enhance the Maine Diversion Alert Program	Died Between Houses
LD 475	An Act To Require That a Person Who Has Been Treated by a Law Enforcement Officer with Naloxone Be Informed about Drug Addiction Treatment	ONTP
LD 651	An Act To Expand Substance Abuse Prevention Projects	Died Between Houses
LD 1333	An Act To Enact the Drug Trafficking Offender Registration and Notification Act	ONTP
LD 1429	An Act Regarding the Epidemic of Opiate Abuse	CARRIED OVER
LD 1623	An Act To Make a Needed Clarification to the Term "Heroin" as Used in the Maine Criminal Code	Died In Concurrence
LD 1637	An Act To Ensure Maine Is in Compliance with Certain Federal Drug Laws	Died Between Houses

Firearms/Concealed Firearms

Enacted

LD 9	An Act To Prohibit the Creation of a Firearms Owner Registry	PUBLIC 175
LD 343	An Act To Prohibit the Discharge of a Firearm within 300 Feet of a State-owned Boat Launching Ramp	PUBLIC 69
LD 350	An Act To Repeal Certain Requirements Concerning the Sale and Purchase of Firearms	PUBLIC 81
LD 1332	An Act To Prohibit Possession of Black Powder and Muzzle-loading Firearms by Certain Persons	PUBLIC 227
LD 1585	An Act To Transfer the Authority To Issue Nonconcealed Firearm Permits in Certain Cases from the Department of Public Safety to the Office of the Governor	PUBLIC 206

Not Enacted

LD 44	An Act To Lower the Age Requirement To Carry a Concealed Handgun	Majority (ONTP) Report
LD 321	An Act To Enhance Safety on School Property	Majority (ONTP) Report
LD 351	An Act To Allow Municipalities To Prohibit Weapons at Municipal Public Proceedings and Voting Places	Died Between Houses
LD 352	An Act To Require a Dealer To Sell a Gun Lock with Every New Firearm	Minority (ONTP) Report
LD 443	An Act To Allow Municipally Funded Hospitals To Prohibit the Presence of Firearms on Their Property	ONTP
LD 501	An Act To Increase Firearm Safety	ONTP
LD 574	An Act To Amend the Provision of Law Requiring Disclosure of the Possession of a Firearm under Certain Circumstances	ONTP
LD 595	An Act Prohibiting a Law Enforcement Officer from Confiscating a Firearm under Certain Conditions	ONTP
LD 598	An Act To Strengthen Maine Citizens' Right to Self Defense	ONTP
LD 1050	An Act To Protect the Safety of Emergency Medical Services Personnel and Patients	Died Between Houses
LD 1154	An Act To Provide a Voluntary Method of Determining Whether a Purchaser of a Firearm Is Prohibited from Possessing a Firearm without a Background Check	ONTP
LD 1175	An Act To Expand Options for the Prevention of Domestic Violence	Majority (ONTP) Report

LD 1401	An Act To Allow Nonviolent Felons To Own Firearms at the Court's Discretion	ONTP
LD 1469	An Act Relating to Firearms Exclusions in Certain Locations	ONTP

Interstate Compact

Enacted

LD 1220	An Act To Repeal the Former Interstate Compact for Juveniles	PUBLIC 127
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Law Enforcement

Enacted

LD 588	An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances	PUBLIC 90
LD 1512	An Act To Protect the Health and Safety of First Responders	PUBLIC 292

Not Enacted

LD 94	An Act To Provide a Source of Funding for Drug Abuse Resistance Education	Majority (ONTP) Report
LD 248	An Act Regarding Law Enforcement Training for Former Military Police Officers	ONTP
LD 600	Resolve, To Provide Grants to Law Enforcement Agencies To Acquire and Train Drug-detecting Dogs	Majority (ONTP) Report
LD 861	An Act To Provide Wage Parity for Certain State Law Enforcement Personnel	CARRIED OVER
LD 1060	Resolve, Directing the Department of Administrative and Financial Services To Convene a Cybersecurity Commission	ONTP
LD 1146	Resolve, To Provide Wage Parity for Law Enforcement Officers in the Department of Corrections with Other Law Enforcement Officers	CARRIED OVER
LD 1173	An Act To Require That Information on Prisoners' Furlough Be Reported to the National Crime Information Center, Department of Public Safety and State Bureau of Identification	ONTP

OUI/OAS/Other MV Violations

Enacted

LD 670	An Act To Allow for Consistent Application of Credit for Driver's License Suspensions Imposed by the Court	PUBLIC 99
LD 671	An Act To Allow for Accurate Credit for a License Suspension for Operating under the Influence	PUBLIC 107

Not Enacted

LD 225	An Act To Curb Drunk Driving by Prohibiting a Person Convicted of Operating Under the Influence from Purchasing Alcohol	ONTP
LD 986	An Act To Improve School Safety	ONTP

Prison/Jail/Inmate

Enacted

LD 463	An Act To Improve the Funding of County Jails	PUBLIC 281
LD 516	An Act To Improve the Management of Inmates in County and Regional Jails	PUBLIC 214
LD 1223	An Act To Facilitate the Continued Operation of the Department of Corrections Intensive Mental Health Unit	PUBLIC 147 EMERGENCY

Not Enacted

LD 54	An Act To Provide Compensation to a Corrections Officer Injured by a Patient or Prisoner	Majority (ONTP) Report
LD 101	An Act Regarding the Transportation of Prisoners to County Jails	ONTP
LD 217	An Act Regarding the Place of Imprisonment of Certain Prisoners	ONTP
LD 377	Resolve, To Establish the York County Jail Drug Detoxification and Rehabilitation Pilot Program	CARRIED OVER
LD 597	An Act To Make the Reimbursement Rate for Transfers of Inmates from County Jails Equal to the Federal Reimbursement Rate	ONTP
LD 676	Resolve, To Study the Development of a Behavioral Health Unit at the Cumberland County Jail	Majority (ONTP) Report
LD 839	Resolve, To Address Substance Use and Addiction in County Jails	Died Between Houses
LD 1266	An Act To Transfer Operations and Ownership of County Jail Facilities to the State	ONTP
LD 1414	An Act To Ensure the Availability of In-person Visitation in County Jails	CARRIED OVER
LD 1415	An Act To Provide Additional Deductions from a Sentence of Imprisonment for Completion of Education, Mental Health Treatment and Substance Abuse Treatment Programs	CARRIED OVER

LD 1428	An Act To Relieve Overcrowding in County Jails	Majority (ONTP) Report
LD 1490	An Act To Stabilize Funding for the County Jails	CARRIED OVER

Public Safety/Emergency Medical Services

Enacted

LD 569	Resolve, Regarding Legislative Review of Chapter 5: Maine Disaster Recovery Fund, a Major Substantive Rule of the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency	RESOLVE 7 EMERGENCY
LD 1427	An Act To Make Community Paramedicine Services Permanent	PUBLIC 276

Not Enacted

LD 252	An Act To Improve Safety in the Disposal of Expired Marine Flares	Veto Sustained
LD 599	An Act To Prevent Violence against Emergency Responders	ONTP
LD 744	An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Maine Criminal Justice Academy Board of Trustees	Died Between Houses
LD 746	Resolve, To Increase the Permissible Size of Bed and Breakfasts	ONTP
LD 892	An Act To Allow an Attorney Responding to an Incident that Involved the Use of Deadly Force To Use Emergency Lights on a Vehicle	INDEF PP
LD 1389	An Act To Disburse Funds to the Maine Fire Protection Services Commission	CARRIED OVER
LD 1390	An Act To Enhance the Rights of Families of Missing Persons and Homicide Victims	Majority (ONTP) Report
LD 1462	Resolve, To Establish a Pilot Project To Facilitate the Acquisition of Basic Emergency Medical Training in Rural Communities in the State	Veto Sustained
LD 1526	An Act To Provide Funds for Access to Federal Training Facilities for First Responders	ONTP

Sex Offender Registration

Enacted

LD 138	An Act To Amend the Laws Governing the Sex Offender Registry	PUBLIC 65
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Sex Offenses -- Criminal

Enacted

LD 654	An Act To Amend the Laws Governing Certain Sexual Offenses	PUBLIC 300
LD 1219	An Act To Amend the Laws Governing Forensic Examination Kits	PUBLIC 156

Not Enacted

LD 142	An Act To Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System	ONTP
LD 169	An Act To Support Sexual Assault Survivors	ONTP
LD 250	An Act To Increase the Penalty for Aggravated Sex Trafficking	CARRIED OVER
LD 512	Resolve, To Establish the Committee To Study the State's Response to the Commercial Sexual Exploitation of Youth	Veto Sustained
LD 515	An Act To Amend the Laws on Gross Sexual Assault	ONTP
LD 838	An Act To Prevent Sexual Abuse by Members of the Clergy	ONTP
LD 859	An Act To Ensure Thorough Investigation into Allegations of Sexual Assault	ONTP
LD 1128	Resolve, To Establish the Committee To Study the Processing of Evidence from Sexual Assault Test Kits	Died On Adjournment

Sex Trafficking

Enacted

LD 1261	An Act To Protect Children from Sex Trafficking	PUBLIC 135
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Not Enacted

LD 951	An Act To Adopt the Uniform Act on Prevention of and Remedies for Human Trafficking	CARRIED OVER
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Victim Rights

Enacted

LD 1221	An Act To Clarify and Amend Certain Provisions of Law Regarding Victim Services	PUBLIC 128
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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

August 2017

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Joint Standing Committee on Education and Cultural Affairs

LD 32 An Act To Increase the Size of Grants under the Maine State Grant Program

Died Between Houses

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

This bill increases the minimum grant amount under the Maine State Grant Program from \$1,000 to \$2,000, subject to the current grant amount modifications under the program.

Committee Amendment "A" (S-7)

This amendment is the majority report of the committee and changes the minimum grant amount under the Maine State Grant Program from \$2,000 as proposed in the bill to \$1,500. It also adds a \$2,500,000 appropriation for fiscal year 2017-18 and fiscal year 2018-19 to fund the increase in the minimum grant amount. This amendment provides that the appropriations are ongoing.

This amendment was not adopted.

LD 43 Resolve, To Establish the Task Force To Study Higher Education Attainment and Completion Goals

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R PIERCE T	ONTP	

This resolve establishes the Task Force To Study Higher Education Attainment and Completion Goals. The task force membership consists of legislators, representatives of quasi-governmental and business entities, state agency commissioners and one member of the public. The task force's duties include examination and review in the areas of college completion, statewide postsecondary education attainment goals and metrics, college affordability and completion initiatives and college and university support of state policies and strategies to enable college completion and support workforce development. The task force is required to submit a report containing its findings and recommendations, including any necessary implementing legislation, to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2017.

LD 48 An Act To Provide for Fairness in the Transfer of Students

ONTP

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

Current law provides no appeal for a student denied a request to transfer to a school administrative unit that does not operate a public school that includes the grade level of the student. This bill provides that the appeals process that applies to other transfer students applies to such a student and explicitly makes the law regarding transfers apply to a transfer involving a private school approved for tuition purposes pursuant to the Maine Revised Statutes, Title 20-A, chapter 117, subchapter 2.

Joint Standing Committee on Education and Cultural Affairs

LD 49 An Act To Improve Science and Engineering Education for Maine's Students

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M LANGLEY B	OTP-AM OTP-AM ONTP	H-497

This bill requires the Department of Education to include the so-called Next Generation Science Standards for kindergarten to grade 12 in the State's system of learning results and assessment and directs the Commissioner of Education to amend Department of Education rules on or before December 31, 2017 in order to include the science standards as part of the State's system of learning results and assessment beginning with the 2019-2020 school year.

Committee Amendment "A" (H-497)

This amendment is the majority report of the committee. The amendment makes the following changes to the bill:

1. It strikes the provision of the bill that adds science to the content areas of English language arts, literacy and mathematics as part of the rating scale required to measure educator effectiveness as required under the performance evaluation and professional growth system;
2. It extends the implementation of the amended rules to the 2020-2021 school year and requires that the Department of Education provisionally adopt these rules on or before December 31, 2018; and
3. It also includes funding for the costs associated with including science standards that are aligned to the Next Generation Science Standards as part of the learning results.

Committee Amendment "B" (H-498)

This amendment is the minority report of the committee. The amendment makes the following changes to the bill:

1. It strikes the provision of the bill that adds science to the content areas of English language arts, literacy and mathematics as part of the rating scale required to measure educator effectiveness as required under the performance evaluation and professional growth system;
2. It further directs the Commissioner of Education, in amending the Department of Education rules in order to include science standards as part of the State's system of learning results and assessment, to include the science standards adopted by the Commonwealth of Massachusetts in 2006 and align those standards to the interactive components of the Next Generation Science Standards released in 2013;
3. It extends the implementation of the amended rules to the 2020-2021 school year and requires that the Department of Education provisionally adopt these rules on or before December 31, 2018; and
4. It also provides funding for the costs associated with including the science standards adopted by Massachusetts as part of the learning results.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

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LD 50 An Act To Amend the Laws Governing Teacher Certification

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J DOW D	ONTP	

This bill provides that a person who has not completed an approved educator preparation program is eligible for a provisional teacher certificate if that person has satisfactorily completed a criminal history record check and attained certification from a nonprofit organization that was founded with United States Department of Education funding and that developed a certification program designed for professionals who want to change careers.

LD 51 An Act Regarding the Withdrawal of a Single Municipality from a Regional School Unit

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B MAKER J		

This bill adds requirements to an agreement for withdrawal of a single municipality from a regional school unit. The additional requirements are a plan for providing child nutrition services and an anticipated budget for the first year of operation of schools operated by the petitioning municipality. The bill requires the directors of a regional school unit board to respond to a proposed agreement of a withdrawing municipality within 30 days. It also authorizes a withdrawing municipality to request the Commissioner of Education to provide assistance to the withdrawing municipality and the directors of the regional school unit board in negotiations relating to the withdrawal agreement.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 95 An Act To Provide a Method for a Student To Be Excused from Standardized Testing

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N ESPLING E	ONTP	

This bill requires a school administrative unit to excuse a student from a standardized assessment at the written request of the student's parent or guardian and establishes requirements for school administrative units and the Department of Education related to excusing a student.

LD 96 An Act To Improve Attendance at Public Elementary Schools

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N STEARNS P	OTP-AM ONTP	S-28

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This bill provides that a person five years of age or older who is enrolled in public day school is required to attend during the time it is in regular session. The bill provides that a person five years of age or older and under seven years of age may withdraw from school at any time within the 45 days after enrollment and may withdraw from school after 45 days after enrollment after consultation with the school board or its designee. The bill provides that students who are at least five years of age and enrolled in a public day school are subject to the same provisions regarding truancy as students who are at least seven years of age and have not completed grade six who are required to attend a public day school. The bill provides that a person five years of age or older and under seven years of age is not required to meet the alternatives to attendance requirements set forth in the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3.

Committee Amendment "A" (S-28)

This amendment is the majority report of the committee. The amendment removes the 45-day withdrawal period provisions from the bill and provides that unless a person five years of age or older and under seven years of age who is enrolled in public day school withdraws from the school, the person is required to attend public day school during the time it is in session.

**LD 127 Resolve, Regarding Legislative Review of Portions of Chapter 101:
Maine Unified Special Education Regulation Birth to Age 20, a Major
Substantive Rule of the Department of Education**

**RESOLVE 12
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-225

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-225)

This amendment provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule.

Enacted Law Summary

Resolve 2017, chapter 12 provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule.

Resolve 2017, chapter 12 was finally passed as an emergency measure effective June 2, 2017.

**LD 129 An Act To Include Locally Funded School Construction Projects in the
School Funding Formula**

ONTP

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

This bill amends the definition of debt service costs to include, for purposes of the school funding formula, the cost of locally funded major capital projects for school construction that are not approved by the State Board of Education.

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LD 158 An Act To Improve the Certification and Evaluation of New Educators ONTP
and Administrators by Consolidating Standards

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

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

This bill proposes to streamline the process for moving teachers and administrators from provisional certification to professional certification by including in that certification process elements of the locally adopted and state-approved evaluation system conducted by supervisory personnel that is used to evaluate and improve teacher and administrator performance. The local support system that includes the pairing of mentors with mentees and is commonly known as the professional learning community support system must remain distinctly separate from any evaluation by supervisory personnel.

LD 180 An Act To Enhance Higher Education in Maine through the Creation of ONTP
a Unified Board of Higher Education

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

This bill replaces the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy with the Board of Trustees of Higher Education to provide a unified body for the governance of those institutions.

Part A makes changes to the law to replace some select references to the individual boards of trustees with references to the unified board and enacts a new chapter in the Maine Revised Statutes, Title 20-A with provisions that establish the new unified board.

Part B establishes a transition team to recommend further changes to the law to fully accomplish the transition to the unified board. The transition team will recommend specific changes to determine the qualifications of trustees and the powers and duties of the unified board in a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The report of the transition team must also recommend changes to the administration or organization of and the existing laws governing the University of Maine System, the Maine Maritime Academy and the Maine Community College System to ensure the efficient operation under the unified board and to avoid any potential conflicts with the law establishing the unified board. The joint standing committee is authorized to submit a bill to the Second Regular Session of the 128th Legislature based upon the report.

LD 181 An Act To Improve Teacher Preparation Programs ONTP

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

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

The purpose of this bill is to attract and retain new teachers in the State. This bill proposes to create incentives to

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attract students to teacher education programs in colleges and universities in the State and to retain those students to teach in schools in the State after graduation. The bill also proposes to identify components of effective teacher preparation programs in colleges and universities, including, but not limited to, educating teachers to use technology in the classroom in new ways. To encourage new teachers to stay in the State, the bill also proposes to establish a tuition reduction and loan repayment program for new teachers who teach in the State for five years after graduation.

LD 228 An Act To Amend the Mathematics Requirements for High School Graduation CARRIED OVER

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

This bill prohibits requiring the secondary course of study in schools from including an advanced algebra course and prohibits requiring students to achieve proficiency in advanced algebra. The bill requires the Commissioner of Education to amend the rules by the beginning of the 2018-2019 school year requiring students to complete an advanced algebra course.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 312 An Act To Support Workforce Development by Increasing Engineering Capacity Accepted Majority (ONTP) Report

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

This bill provides \$400,000 in fiscal year 2017-18 and \$400,000 in fiscal year 2018-19 to the Maine Economic Improvement Fund to strengthen the University of Maine System's engineering programs by seeding the development of competencies in areas such as industrial engineering, environmental engineering and biomedical engineering to meet the applied research and workforce needs of existing, growing and emerging industrial activity in southern Maine. The funds will support the acquisition of critical infrastructure at the University of Southern Maine, such as laboratory equipment and personnel that are necessary to strengthen the University of Southern Maine's engineering program, while promoting synergy with the University of Maine's engineering program. Ongoing equipment maintenance and personnel costs will be absorbed within the University of Southern Maine's budgeted resources.

Committee Amendment "A" (S-193)

This amendment, the minority report of the committee, changes the bill to a resolve and requires the University of Maine System to study the existing and emerging engineering workforce, applied research and technical assistance needs of southern Maine businesses and industry. The study must include recommendations to increase the engineering capacity specifically in southern Maine by strengthening academic and related nonacademic programs at the University of Southern Maine. The University of Maine System is required to report its findings and recommendations to its board of trustees by November 20, 2017 and to submit a report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 31, 2017. After reviewing the report, the Joint Standing Committee on Education and Cultural Affairs may report out a bill to implement recommendations contained in the report to the Second Regular Session of the 128th Legislature. The cost of the study will be absorbed using existing University of Maine System resources.

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This amendment was not adopted.

LD 322 An Act To Reintroduce Civics to High School Graduation Requirements ONTP

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

This bill requires secondary schools to provide instruction in civics as part of the requirements for graduation.

LD 333 An Act To Stabilize Maine's Educational Leadership and Vision ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P MILLETT R	ONTP	

This bill changes the selection process for the position of Commissioner of Education. Instead of being appointed by the Governor, under this bill, the commissioner is selected by the State Board of Education in consultation with the Governor. The candidate selected by the State Board of Education would be subject to legislative review and confirmation.

LD 334 An Act To Clarify the Uses of the Fund To Advance Public Kindergarten to Grade 12 Education CARRIED OVER

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

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

This bill proposes to amend the provisions of the Fund to Advance Public Kindergarten to Grade 12 Education as enacted in Initiated Bill 2015, chapter 4 in order to clarify terminology and uses of the fund.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 353 An Act To Reduce Absenteeism in Students from Kindergarten to Third Grade ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD T MILLETT R	ONTP	

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

This bill proposes to direct the Department of Education to establish a program that provides incentives to parents or guardians of students in kindergarten to third grade who are prone to absenteeism from school to encourage the

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parents or guardians to reduce or eliminate the absenteeism. The parent or guardian of a student who has been determined to have excessive absenteeism would be required to meet with a school administrator and social worker. Incentives may be offered, for example, cash rewards or gift cards to grocery stores. The program would be a public-private partnership, and the Department of Education would seek private or corporate partners to help provide or donate the incentives.

LD 354 An Act To Address the Shortage of School Administrative Professionals ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MILLETT R	ONTP	

This bill provides that limitations on conditions of restoration to service after retirement enacted in 2011 for state employees and teachers apply to school administrators. It also provides that, effective October 1, 2017, school administrators who have reached normal retirement age and who have retired after September 1, 2011 may be restored to service as school administrators for a maximum of ten years: five years under one-year contracts with compensation set at 100% of the compensation established for the position and five years with compensation set at 75%.

LD 355 An Act Regarding Special Education Costs ONTP

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

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

The bill proposes to enact measures designed to increase the speed with which the State reimburses towns for unexpected spikes in special education costs.

LD 356 An Act To Repeal Certain Requirements for Graduation from Secondary School Accepted Majority (ONTP) Report

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

Under current law, in order to award to a student a diploma indicating graduation from secondary school, a school must certify that the student has demonstrated proficiency in each of the guiding principles set forth in rules adopted by the Department of Education. In accordance with rules adopted by the department, the guiding principles are measured using rubrics that assess and grade a student's proficiencies in being a clear and effective communicator, a self-directed and lifelong learner, a creative and practical problem solver, a responsible and involved citizen and an integrative and informed thinker. This bill repeals this requirement.

Committee Amendment "A" (H-82)

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

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This amendment was not adopted.

LD 378 An Act To Promote Physical Activity for Schoolchildren

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R PIERCE T	ONTP OTP	

This bill requires all school administrative units to provide at least 30 minutes of daily physical activity for all students in kindergarten to grade five. The bill provides that a teacher may restrict a student from engaging in physical activity if the physical activity presents a danger to the student or others or if the restriction is consistent with the student's individualized education program.

LD 380 An Act To Implement the Federal Every Student Succeeds Act in Maine

**Leave to Withdraw
Pursuant to Joint
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KORNFIELD T		

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

The bill proposes to implement the federal Every Student Succeeds Act in Maine.

**LD 397 An Act To Ensure the 3 Percent Tax on Incomes over \$200,000 Is
Distributed Proportionally Based on Student Counts**

**Accepted Majority
(ONTP) Report**

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

This bill provides that the supplemental revenue funds allocated to school administrative units by the Commissioner of Education from the Fund to Advance Public Kindergarten to Grade 12 Education must be distributed proportionally based on the average October and April pupil enrollment counts for that fiscal year. The bill requires that every school administrative unit receives the same amount of supplemental state revenue contribution funds per pupil regardless of the local cost share expectation calculated under the Essential Programs and Services Funding Act. This bill also repeals the authorization for the Department of Education to use the fund for administrative costs.

Committee Amendment "A" (H-52)

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, incorporates a fiscal note.

This amendment was not adopted.

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**LD 398 Resolve, To Establish the Task Force To Recognize Computer Science in
the Path to Proficiency**

RESOLVE 21

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM ONTP	H-454

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

The bill proposes to enact measures designed to ensure that schools are authorized and encouraged to consider courses taken by a student in computer science as demonstrating proficiency in science or mathematics, or both. Under this bill, the value of computer science coursework would be recognized as part of a student's path to proficiency.

Committee Amendment "A" (H-454)

This amendment is the majority report of the committee. The amendment strikes and replaces the bill with a resolve directing the Science, Technology, Engineering and Mathematics Council to form a computer science education task force to consider ways to develop an informed strategy to integrate computer science into the State's proficiency-based high school diploma requirements, as well as to expose all students to computer science as a basic skill and as a potential career path.

Enacted Law Summary

Resolve 2017, chapter 21 directs the Science, Technology, Engineering and Mathematics Council to form a computer science education task force to consider ways to develop an informed strategy to integrate computer science into the State's proficiency-based high school diploma requirements, as well as to expose all students to computer science as a basic skill and as a potential career path. The task force shall submit a report, including its recommendations and proposed legislation to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2018. The committee may report out a bill to the Second Regular Session of the 128th Legislature.

**LD 404 Resolve, Regarding Legislative Review of Portions of Chapter 115:
Certification, Authorization and Approval of Education Personnel, a
Late-filed Major Substantive Rule of the State Board of Education**

**RESOLVE 20
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-495

This resolve provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the State Board of Education that was filed outside the legislative rule acceptance period.

Committee Amendment "A" (H-495)

This amendment provides that final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a provisionally adopted major substantive rule of the State Board of Education that was filed outside the legislative rule acceptance period, is authorized contingent upon the board's making specified changes to the proposed rule.

Enacted Law Summary

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Resolve 2017, chapter 20 provides that final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule.

Resolve 2017, chapter 20 was finally passed as an emergency measure effective June 23, 2017.

LD 412 Resolve, To Direct the Development of After-school Programs Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	ONTP OTP-AM	S-132

This bill adds home economics and industrial arts to the list of courses required for a high school diploma and adds home economics and industrial arts to the areas of essential instruction in the system of learning results.

Committee Amendment "A" (S-132)

This amendment replaces the bill with a resolve. This amendment, which is the minority report of the committee, directs the Department of Education to work with the Maine Afterschool Network to create a working group consisting of members of the Maine Afterschool Network and representatives of interested business entities to design and develop after-school programs that schools can adopt to meet the interests and needs of students. The department is directed to report by January 15, 2018 to the Joint Standing Committee on Education and Cultural Affairs on the progress of the working group along with any recommendations to promote the success of the effort to design and develop after-school programs.

LD 420 An Act To Require Same-year State Valuations for Education Funding ONTP
Purposes for Municipalities That Lose More Than 35 Percent of Their Tax Base

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AUSTIN B CHENETTE J	ONTP	

This bill changes the determination for property fiscal capacity as used to determine the amount of state aid a school administrative unit receives under the school funding formula if a municipality has experienced a decline in state valuation of at least 35% attributable to one taxpayer. Under this bill, the State Tax Assessor is required to certify to the Commissioner of Education when a municipality's state valuation has declined by at least 35% from the previous year's certified state valuation and the decline is due to the loss in value attributable to a single taxpayer. When those conditions have been met, the property fiscal capacity for that municipality is the most recently certified state valuation.

LD 462 An Act To Require a Capstone Project as a Condition of High School ONTP
Graduation

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

This bill requires all high school students to complete a capstone project in which the student must identify a problem, develop a solution to that problem and share that solution with the community.

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LD 468 An Act To Provide for a Later Starting Time for High Schools

**Accepted Minority
(ONTP) Report**

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

This bill requires that, by September 1, 2019, each school administrative unit ensure that its secondary schools' school days start no earlier than 8:30 a.m., and that extracurricular activities do not start after 7:30 p.m. on an evening immediately prior to a school day. A school administrative unit is required to provide a compliance plan. Units that do not provide a compliance plan face reductions in the state share of funding attributable to the cost of the components of essential programs and services.

Committee Amendment "A" (H-128)

This amendment is the majority report of the committee and provides that a school administrative unit may provide that its secondary schools' school days start no earlier than 8:30 a.m. The bill makes the later start time a requirement.

This amendment was not adopted.

LD 507 An Act To Establish Regional School Leadership Academies

Veto Sustained

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

This bill allows school administrative units to enter into collaborative agreements to establish regional school leadership academies that combine state and local programs and resources, including the preparation, licensure, certification, professional development and training for educational leadership, into a coherent system that can significantly improve the recruitment and preparation of prospective candidates for school principalship and other school leadership positions, as well as the induction, mentoring and retention of principals and school leaders during the first two years of employment in their school leadership positions.

**LD 526 An Act To Remove the Cap on an Increase in the State Share of the Cost
of Health Insurance for Retired Teachers**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B MILLETT R	OTP-AM ONTP OTP-AM	H-42 S-41 LANGLEY B

Current law requires the State to pay 45% of a retired teacher's share of the premium for group accident and sickness or health insurance. This bill raises that percentage to 50% from July 1, 2017 to June 30, 2019; 55% from July 1, 2019 to June 30, 2021; and 60% after June 30, 2021. It also removes the cap on the increase in the State's total cost for retired teachers' health insurance premiums for fiscal years ending after June 30, 2015.

Committee Amendment "B" (H-42)

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This amendment is a minority report of the committee. The amendment strikes the bill's proposal to raise the required percentage of a retired teacher's share of the premium for group accident and sickness or health insurance from 45% to 60% between fiscal year 2016-17 and fiscal year 2020-21. The amendment retains the current requirement that the State pay 45% of a retired teacher's share of the premium for group accident and sickness or health insurance and, beginning in fiscal year 2017-18, removes the restriction in current law that limits the increase in the State's total cost for retired teachers' health insurance premiums.

Committee Amendment "A" (H-41)

This amendment is the majority report of the committee. The amendment adds an appropriations and allocations section to the bill.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "B" (S-41)

This amendment removes the language that caps the increase in the State's total cost for retired teachers' health insurance premiums for certain fiscal years. It retains the current requirement that the State pay 45% of a retired teacher's share of the premium for group accident and sickness or health insurance.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 527 An Act To Prohibit Corporal Punishment in Schools ONTP

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

This bill prohibits the imposition of corporal punishment in elementary and secondary schools and preschool programs. "Corporal punishment" means any form of discipline or punishment involving offensive physical contact with or inflicting physical pain or discomfort on a student. "Corporal punishment" does not include the use of physical restraint to protect the student or others from immediate harm.

LD 528 An Act To Create a Maine Race, Ethnicity and Cultural Studies Educational Component ONTP

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

This bill allows the study of race, ethnicity and culture in Maine to be taught in the State's elementary and secondary schools as a component of Maine studies.

LD 570 An Act To Create the Maine Institute of Technology ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S ACKLEY K	ONTP	

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

This bill proposes to establish the Maine Institute of Technology as part of the University of Maine System. The institute would offer undergraduate and graduate-level degrees in the areas of science, mathematics, engineering and technology. This stand-alone educational institution would focus not only on providing a world-class education to its students, but also on attracting high-achieving, award-winning faculty with its focus on research and enterprise and opportunities to work with private sector entrepreneurs on applied technologies.

LD 573 *Resolve, To Audit Standardized Testing in Maine's Schools* ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N SAMPSON H	ONTP	

This bill directs the Maine Education Policy Research Institute to conduct an audit of standardized testing in a random sample of school administrative units statewide for the purpose of understanding the amount, cost and usefulness of standardized testing. This bill requires the Maine Education Policy Research Institute no later than January 1, 2018, to issue a report with its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs, which may report out a bill based upon the report to the Second Regular Session of the 128th Legislature.

**LD 601 *An Act To Return the Normal Cost of Teacher Retirement to the State* Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM ONTP	H-73

This bill changes the method for funding teacher retirement costs. It repeals those provisions of law enacted pursuant to Public Law 2013, chapter 368 that require school administrative units and private schools to pay for teacher retirement.

Committee Amendment "A" (H-73)

This amendment is the majority report. The amendment adds an appropriations and allocations section to the bill.

**LD 602 *An Act To Amend the Laws Governing the Membership of the Advisory
Committee on College Savings* PUBLIC 200**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M KATZ R	OTP-AM	H-419

This bill changes the membership and chair appointment of the Advisory Committee on College Savings.

Committee Amendment "A" (H-419)

This amendment changes the membership of the Advisory Committee on College Savings. It also specifies that members appointed by the chair of the board of directors of the Finance Authority of Maine are appointed to

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one-year terms; those appointed by the Governor serve four-year terms.

Enacted Law Summary

Public Law 2017, chapter 200 changes the membership of the Advisory Committee on College Savings. It also specifies that members appointed by the chair of the board of directors of the Finance Authority of Maine are appointed to one-year terms; those appointed by the Governor serve four-year terms.

LD 603 An Act To Provide Funding for Preschool Programs

**Died Between
Houses**

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

This bill provides ongoing funds for start-up grants for expanded access to public preschool programs for children four years of age.

Committee Amendment "A" (H-98)

This amendment is the majority report. The amendment adds an appropriations and allocations section to the bill.

This amendment was not adopted.

LD 633 An Act To Amend Teacher Evaluation Requirements

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREAR D MILLETT R	OTP-AM ONTP	H-197

This bill removes the requirement that student learning and measures of growth and state assessment results be used to measure educator effectiveness.

Committee Amendment "A" (H-197)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes a provision in the bill that removes the requirement in current law requiring that student learning and growth be included as part of the multiple measures of educator effectiveness. The amendment replaces that provision to clarify that the use of student learning and growth data to inform instruction is included as part of the multiple measures of educator effectiveness. The amendment also requires the Department of Education to submit a provisionally adopted rule to the Legislature by January 12, 2018.

LD 642 Resolve, To Establish the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services

**RESOLVE 26
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD T	OTP-AM	H-106

This resolve establishes the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services.

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Committee Amendment "A" (H-106)

This amendment adds four members to the task force, increasing its membership to 13 members, and authorizes the task force to hold up to five meetings. The amendment also clarifies that the task force report must be submitted to the Joint Standing Committee on Education and Cultural Affairs, which is authorized to submit a bill to the Second Regular Session of the 128th Legislature.

Enacted Law Summary

Resolve 2017, chapter 26 establishes the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services. The task force has 13 members and may hold up to five meetings to address the rising cost of special education and the maintenance of high-quality services that accommodate the needs of all children by identifying cost drivers and recommending innovative approaches to serving students. No later than December 6, 2017, the task force must submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs. The Joint Standing Committee on Education and Cultural Affairs is authorized to submit a bill to the Second Regular Session of the 128th Legislature.

Resolve 2017, chapter 26 was finally passed as an emergency measure effective August 2, 2017.

LD 674	An Act To Provide Public Charter Schools with Access to State Funds for Capital Expenses	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G POULIOT M	ONTP	

This bill allows a per-pupil allocation for capital expenses to be added to the essential programs and services funding formula for public charter schools that do not have access to capital funds from the State or from a school administrative district.

LD 678	An Act To Protect Students from Identity Theft	PUBLIC 247
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY C	OTP-AM	H-409

This bill requires a public school or private school, if asking for a student's social security number, to inform the student's parent or guardian for what purpose the social security number will be used and to provide the parent, guardian or student with the opportunity to opt out of providing the social security number.

Committee Amendment "A" (H-409)

This amendment replaces the bill and places provisions regarding student social security numbers in the part of the Maine Revised Statutes, Title 20-A that deals with student records. The amendment requires a school administrative unit, a public school within a school administrative unit or a private school, if asking for a student's social security number, to inform the student's parent or legal guardian or the student if the student is 18 years of age or older for what purpose the social security number will be used. The amendment requires the unit or school to provide the parent, legal guardian or student with the opportunity to opt out of providing the social security number.

The amendment also requires a school administrative unit, a public school within a school administrative unit or a private school that collects a student's social security number to delete it from the student's records once the student is no longer enrolled.

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Enacted Law Summary

Public Law 2017, chapter 247 requires a school administrative unit, a public school within a school administrative unit or a private school, if asking for a student's social security number, to inform the student's parent or legal guardian or the student if the student is 18 years of age or older for what purpose the social security number will be used. It requires the unit or school to provide the parent, legal guardian or student with the opportunity to opt out of providing the social security number.

Public Law 2017, chapter 247 also requires a school administrative unit, a public school within a school administrative unit or a private school that collects a student's social security number to delete it from the student's records once the student is no longer enrolled.

LD 679 An Act To Reform School Testing Procedures ONTP

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

This bill limits statewide assessment program testing requirements to grades three, five, seven, nine and 11 and limits any use of alternative measures of student achievement to grades nine and 11. It also limits the statewide system of learning results testing requirements to students in grades three, five, seven, nine and 11. The bill authorizes the Commissioner of Education to adopt rules to implement the provisions of the bill.

LD 680 An Act To Allow the Employment or Service in a School of a Spouse of a School Board or Committee Member ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S CARPENTER M	ONTP	

This bill allows a spouse of a school board member to be employed or serve in a volunteer position in a public school within the jurisdiction of the school board to which the member is elected or in a contract high school or academy located within a supervisory union in which the member is a representative on the union committee upon a two-thirds vote of the school board or committee.

LD 681 An Act Regarding Sexual Activity and Sexual Assault at Secondary and Postsecondary Educational Institutions CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M MAKER J	OTP-AM ONTP	H-505

This bill requires that instruction involving affirmative consent, communication and decision making regarding sexual activity be a mandatory part of secondary school instruction. "Affirmative consent" is defined as consent to sexual activity that can be revoked at any time and does not include silence, lack of resistance or consent given while intoxicated. This bill also requires a postsecondary educational institution to make a notation on a student's transcript if the student has been convicted of sexual assault committed on the campus of the postsecondary educational institution.

Committee Amendment "A" (H-505)

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This amendment, which is the majority report of the committee, strikes the part of the bill that requires a notation to be made on the transcript of a postsecondary student who is convicted of sexual assault. This amendment requires the Commissioner of Education to review the content standards and performance indicators for the content area of health, physical education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions, during the 2017-2018 school year as part of the commissioner's five-year review cycle of the content standards and performance indicators required under the system of learning results.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 682 An Act To Eliminate the Regional Adjustment for Public School Systems ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H CARPENTER M	ONTP	

This bill removes the regional adjustment in the total operating allocation for schools under the Essential Programs and Services Funding Act.

LD 736 An Act To Create Equity in Funding of Rural Schools ONTP

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

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

The bill proposes to create equity in funding of rural schools by examining the funding of the most disadvantaged school administrative units under the school funding formula and determining how best to provide financial resources to better assist these school administrative units.

LD 737 An Act To Allow Public Schools To Reserve Funds Designated for Operating Costs Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM ONTP	H-371

This bill allows a school administrative district to establish a reserve fund for operating costs of the school administrative district, including salary and benefits.

Committee Amendment "A" (H-371)

This amendment is the majority report of the committee. The amendment adds a provision authorizing a school administrative district to establish a reserve fund for operating costs and to expend money from the reserve fund by including a request in the district budget and receiving voter approval of a referendum article at a district meeting or a district budget meeting.

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LD 738 An Act To Make the School Budgeting Process a Biennial Process

**Accepted Majority
(ONTP) Report**

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

This bill changes the local school budgeting approval process, which is currently done on an annual basis, to a biennial process beginning with the biennium of fiscal years 2019-20 and 2020-21.

Committee Amendment "A" (H-226)

This amendment is the minority report. The amendment removes the bill's requirement that the local school budgeting approval process, which is currently done on an annual basis, must be a biennial process beginning with the biennium of fiscal years 2019-20 and 2020-21. The amendment allows school administrative units to establish a local school budgeting approval process on an annual or biennial basis.

This amendment was not adopted.

LD 747 An Act To Amend Minimum Age Eligibility for School Enrollment

ONTP

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

This bill provides that school boards are responsible for establishing the minimum age necessary for student enrollment.

LD 748 An Act To Require at Least a 30-minute Lunch Period for Students

**Accepted Minority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T BREEN C	OTP ONTP	

This bill requires that school administrative units provide for students a lunch period of at least 30 minutes unless the governing body of the school administrative unit determines by vote after notice and public hearing that a 30-minute lunch period would be impracticable.

LD 749 An Act To Ensure Municipal Equity for the Town of Frye Island

**Leave to Withdraw
Pursuant to Joint
Rule**

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

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This bill repeals the prohibition against the withdrawal of the Town of Frye Island from School Administrative District No. 6, which then allows the Town of Frye Island the same statutory municipal power of any other municipality in Maine, as long as the Town of Frye Island joins another school administrative unit within two years of the withdrawal.

LD 750 An Act To Provide \$500,000 of Matching Funds over 4 Years through Appropriations and Allocations To Preserve Rural Heritage and Living History Pertaining to Science and Technology in Penobscot and York Counties **Accepted Majority (ONTP) Report**

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

This bill provides an appropriation of up to \$125,000 per year for the next four fiscal years in matching funds to the Maine Historic Preservation Commission for the consolidation of the historical collections of the Curran Homestead Village and Willowbrook Village museums.

Committee Amendment "A" (H-40)

This amendment is a minority report of the committee. The amendment adjusts the appropriations in the bill of up to \$125,000 per year for the next four fiscal years to up to \$125,000 per year for the next two fiscal years in matching funds.

This amendment was not adopted.

LD 751 An Act To Establish Districtwide Standardized Assessment Policies **ONTP**

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

This bill requires school boards, with input from parents, teachers and school administrators, to adopt districtwide policies regarding standardized assessments.

LD 753 Resolve, To Promote Internet Safety in Schools **ONTP**

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

This resolve requires the Commissioner of Education to develop Internet safety guidelines for students and others who have received laptop computers under the program that supplies laptop computers to middle school students.

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**LD 809 An Act To Address Student Hunger with a "Breakfast after the Bell"
Program**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J KORNFIELD T	OTP-AM ONTP	S-163

This bill requires a school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year to operate an alternative breakfast delivery service that provides breakfast after the start of the school day. It also provides a process for a school administrative unit to opt out of the alternative breakfast delivery service. This bill requires the Department of Education to adopt rules to develop an application process and to adopt standards to address evaluation criteria based on need for funding assistance for alternative breakfast delivery services in school administrative units. It also requires the department to develop a means to track health and academic outcomes of students and schools that participate in alternative breakfast delivery services.

Committee Amendment "A" (S-163)

This amendment, which is the majority report of the committee, removes the requirement in the bill for the Department of Education to adopt rules to develop an application process and to adopt standards to address evaluation criteria based on need for funding assistance for alternative breakfast delivery services in school administrative units. It also removes the requirement that the department develop a means to track health and academic outcomes of students and schools that participate in alternative breakfast delivery services. This amendment removes the appropriations and allocations section of the bill. The amendment retains the provisions of the bill that require a school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year to operate an alternative breakfast delivery service that provides breakfast after the start of the school day and that provide a process for a school administrative unit to opt out of the alternative breakfast delivery service.

**LD 816 An Act To Promote Academic Achievement through Hunger Relief for
Maine Children**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C PIERCE T	OTP-AM ONTP	S-150

This bill directs the State to fund the difference between the federal reimbursements for reduced-price and free lunches in order to provide all children below 185% of the federal poverty level free lunch at school.

Committee Amendment "A" (S-150)

This amendment is the majority report of the committee and replaces the bill. The amendment directs the State to fund 20¢ of the funding difference between the federal lunch reduced reimbursement rate and the federal free lunch reimbursement rate for every reduced-price lunch at every public school participating in the National School Lunch Program. The amendment also clarifies that schools must provide reimbursable instead of Type A meals.

The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

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LD 818 An Act To Improve the Quality of Teachers

**Died Between
Houses**

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

This bill proposes to improve teacher quality in the State by amending the current statutes related to programs involving teacher preparation, support systems for provisional teachers, teacher certification and teacher salaries and funding college loans for students enrolled in a program of study leading to certification as a teacher. The bill includes the following provisions:

1. It expands the student teaching experience and academic achievement requirements for a provisional teacher certificate, including:
 - A. Specifying the number of hours of practicum an applicant must complete;
 - B. Clarifying the time frame during which the student teaching experience must occur;
 - C. Specifying that the grade point average requirement applies only to an applicant's teacher preparation course work; and
 - D. Enacts a grade point average requirement with respect to applicants recommended by educational institutions offering teacher preparation programs.
2. It strengthens the support systems required to provide assistance for provisional teachers during each year of their probationary period and requires the Commissioner of Education to pay salary supplements to teachers who are involved in the operation of such systems.
3. It increases the minimum salary for certified teachers to \$40,000 beginning with the 2018-2019 school year and includes in the school funding formula state funding for the incremental costs of meeting this minimum beginning in fiscal year 2018-19.
4. It requires the State Board of Education to amend its rule Chapter 114: Purpose, Standards and Procedures for the Review and Approval of Preparation Programs for Education Personnel to articulate and outline clear standards for a memorandum of understanding between student teachers, teacher preparation programs and participating school administrative units.
5. It directs the Governor to appoint members to vacant positions on the Professional Standards Board by November 1, 2017 and directs the board to convene a meeting by December 1, 2017.
6. It provides additional appropriations for the Educators for Maine Program within the Finance Authority of Maine in order to double the annual investment of state loan funds awarded to eligible students.

Committee Amendment "A" (S-203)

This amendment is the majority report of the committee. The amendment also adds provisions that:

1. Require that postbaccalaureate teacher certification programs and graduate programs be included in the State Board of Education's rules governing the qualifications for a provisional teacher certificate; and

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2. Allow an educational institution that uses a proficiency-based grading system and offers an approved teacher preparation program to maintain at least an average proficiency rating for its students rather than a 3.0 average grade point average based on a 4.0 grade point system for its students.

This amendment was not adopted.

LD 826 An Act To Prioritize the Renovation of Existing Underutilized Schools in ONTP
Conjunction with the Closing of Nearby Schools Due to Declining
Enrollment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M STEWART H	ONTP	

This bill amends the laws governing the School Revolving Renovation Fund to add renovation and repurposing of underutilized space, when done in conjunction with closing a school, to the list of projects that qualify for Priority 1 status.

LD 840 An Act To Expand Educational Opportunities for Students in the Accepted Majority
Unorganized Territories (ONTP) Report

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

This bill provides that the parent or guardian of a child residing in an unorganized unit that does not have an elementary school located in that unorganized unit may choose an elementary school in the State for that child to attend.

Committee Amendment "A" (H-393)

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment provides that a student who resides in an unorganized territory that does not have an elementary school and who was a tuition student prior to the 2016-2017 school year must continue to be accepted as a tuition student at that student's current elementary school until that student is no longer eligible to attend an elementary school. The amendment also provides that the parent or guardian of the tuition student who resides in an unorganized territory must provide transportation to the elementary school that the student attends.

This amendment was not adopted.

LD 841 An Act To Provide Stability in MaineCare Payments for Educational ONTP
Programming

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

This bill amends the laws governing MaineCare payments for educational programming. Under current law, the Department of Education is authorized to pay on behalf of a school administrative unit allowable school-based costs that represent the school administrative unit's portion of MaineCare payments. Current law also provides that the department may then deduct that amount from the school administrative unit's state subsidy. This bill changes the

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law to provide that the department may not deduct from a school administrative unit's state subsidy such payments.

LD 862 *Resolve, To Establish a Pilot Program To Install Video Cameras in School Buses* ONTP

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

This resolve directs the Department of Education to establish a pilot program with selected school administrative units to install video cameras in school buses and study the effectiveness of the cameras in assisting in the maintenance of order and safety on the school buses.

LD 863 *An Act To Create a Standard Kindergarten Entry Assessment* ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M MILLETT R	ONTP	

This bill directs the Commissioner of Education to develop a standard assessment for kindergarten entry for use by all school administrative units beginning January 1, 2019.

LD 864 *An Act To Provide for a Statewide Contract for School Teachers* **Died Between Houses**

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

This bill provides for statewide collective bargaining for teachers beginning January 1, 2021. The bill directs the Department of Administrative and Financial Services to develop a plan to implement statewide collective bargaining for teachers and requires that the plan be designed to permit school administrative units to maintain local control and direction of teacher employment; to include for all public school teachers a uniform compensation system that is based upon performance results that are competitive and fair throughout the State; and to maximize opportunities for certain economies of scale through the statewide negotiation of teachers' benefits, including, but not limited to, health insurance. The department is directed to submit its plan, together with proposed implementing legislation, for introduction to the Second Regular Session of the 128th Legislature.

Committee Amendment "A" (H-496)

This amendment, which is the minority report of the committee, strikes and replaces the bill and changes the title. The amendment authorizes the State, upon the request of a school administrative unit, to act as the employer of employees of that school administrative unit, other than administrators, for the purpose of negotiating a contract for standard salary and standard benefits for these employees. Costs resulting from such bargaining agreements are the responsibility of the State and if funding is not approved, those cost items must be renegotiated. The authority for such negotiations is repealed 90 days after the adjournment of the First Regular Session of the 129th Legislature.

This amendment also requires regional school units to meet certain annual targets for the percentage share of total General Fund expenditures for direct instruction expenditures.

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This amendment was not adopted.

LD 865 Resolve, Directing the Department of Education To Determine the Effectiveness and Success of Charter Schools ONTP

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

This resolve requires the Department of Education to conduct an evaluation and assessment of public charter schools to determine their effectiveness and success in carrying out state goals with respect to public charter schools and to establish recommended standards by which public charter schools are to be evaluated. This resolve also places a moratorium on executing any charter school contracts until the department submits its report on the assessment and evaluation to the Joint Standing Committee on Education and Cultural Affairs, which may report out legislation to the Second Regular Session of the 128th Legislature.

LD 866 An Act To Provide Additional Funds to Schools That Offer Residential Options ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M MILLETT R	ONTP	

This bill requires that the State provide a minimum state subsidy of \$500 per residential student to all school administrative units, including public charter schools, as well as to magnet schools, that provide residential services.

LD 891 An Act To Support the Professional Development of Principals in Maine Schools Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B POULIOT M	OTP-AM ONTP	S-237

This bill requires that the performance evaluation and professional growth system for new school administrative staff include a mentoring program that promotes excellence in school leadership, builds a supportive environment within school administrative units, increases the retention of school leaders and promotes the personal and professional well-being of school leaders.

Committee Amendment "A" (S-237)

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

LD 919 An Act To Establish the Summer Success Program Fund Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T BREEN C	OTP-AM ONTP	H-113

This bill establishes the Summer Success Program Fund, a dedicated fund to be directed and administered by the Commissioner of Education and held by the Treasurer of State, to encourage the facilitation of high-quality summer

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success programs in school administrative units throughout the State. The bill accomplishes the following.

1. It provides that money paid into the fund may include General Fund appropriations, as well as grants, gifts and other money from any unit of federal, state or local government or from any person, firm, partnership or corporation for deposit to the fund, money received from a social impact bond and interest, dividends and other pecuniary gains. It requires that school administrative units ensure that grants provided from the fund for expanding access to summer success programs supplement and not supplant federal funding.

2. It requires the commissioner to administer the fund within the Department of Education and to establish standards and approval for the allocation and use of fund money for summer success programs offered at elementary and secondary schools in the State. It also allows the commissioner to include the following in the standards:

- A. Guidelines similar to the federal 21st Century Community Learning Centers program to close the achievement gap between high-performing and low-performing students;
- B. Effective models of summer success programs that involve networking and partnerships with community-based organizations that provide a range of high-quality services to support student learning and development; and
- C. Implementation of the formative and summative assessment methods to measure student achievement in order to monitor the progress of students participating in summer success programs.

3. It provides that, beginning in fiscal year 2018-19, the department is required to provide grant funding, through a grant application process, to cover 90% of the costs of summer success programs in school administrative units with greater than 50% student participation in the federal free and reduced-price lunch program.

4. It adds the fund to the enhancing student performance and opportunity provisions of the Essential Programs and Services Funding Act.

5. It requires the commissioner to submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2017, that outlines the proposed rules to implement the fund by the 2018-2019 school year.

Committee Amendment "A" (H-113)

This amendment is the majority report of the committee. The amendment adds an appropriations and allocations section to the bill.

LD 926 An Act To Improve Equity in State Aid to Schools

Leave to Withdraw Pursuant to Joint Rule

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

This bill provides for an adjustment in the state share of the total allocation to a highly funded school, which is defined as a school administrative unit whose total spending on education programs and services in the most recent year for which data is available exceeded 108% of the total cost of the components of essential programs and services for that school administrative unit in that year, excluding any adjustment made pursuant to this new provision. The Commissioner of Education is required to decrease the state share of the total allocation to a highly funded school by an amount equal to the difference between 108% of the total cost of the components of essential programs and services for that school administrative unit in the previous fiscal year and the amount spent by the

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school administrative unit on education programs and services in the previous fiscal year.

LD 940 An Act To Increase Student Learning Time ONTP

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

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

This bill proposes to limit the total amount of time during each school year that a student spends taking tests.

LD 941 An Act To Facilitate the Purchase of Textbooks for Low-income College Students ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M MILLETT R	ONTP	

This bill amends the Maine State Grant Program, which is a grant program administered by the Finance Authority of Maine, to award grants to Maine residents who are students at postsecondary institutions of higher education in Maine based on financial need. Under the program, the minimum grant is \$1,000 per year

This bill allows the authority, using the same need and residency criteria as for the grants, to award up to an additional \$500 grant for textbooks per year.

LD 965 Resolve, To Create the Task Force To Study School Board Member Training Accepted Majority (ONTP) Report

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

This resolve creates the Task Force To Study School Board Member Training. The task force is required to submit its report with its recommendations and any accompanying legislation to the Joint Standing Committee on Education and Cultural Affairs by December 6, 2017.

Committee Amendment "A" (H-251)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment adds one additional member, who is a representative of the Maine Principals' Association, to increase the task force membership to ten participants. The amendment also clarifies that the President of the Senate and the Speaker of the House of Representatives shall seek nominations from the Maine School Superintendents Association for the two members who are superintendents of school administrative units.

This amendment was not adopted.

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LD 978 An Act To Simplify the In-service Days Requirement in Education

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MAKER J	ONTP OTP	

This bill changes the law regarding school administrative units' scheduling from allowing five days to be used for in-service education of teachers, administrative meetings, parent-teacher conference, records' days and similar activities to allowing five days or 40 total hours.

**LD 987 Resolve, To Direct the Department of Education To Form a Study
Group To Improve Public Education**

ONTP

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

This resolve directs the Department of Education to form a study group to consider ways to improve the mathematics, reading and writing skills of elementary and secondary school students, including increasing the length of the school day to add additional instruction in mathematics, reading and writing and to estimate the cost to the State, municipalities and school administrative units of the considered improvements.

LD 988 An Act Regarding Possession of a Firearm on School Property

INDEF PP

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

This bill provides that the prohibition on the possession of a firearm on public school property or the property of an approved private school does not apply to a person who possesses a firearm in a motor vehicle while dropping off or picking up a student.

Committee Amendment "A" (S-174)

This amendment, which is the minority report of the committee, replaces the bill. The amendment provides that the prohibition in current law on the possession of a firearm on public school property or the property of an approved private school does not apply to a person who possesses a firearm in a motor vehicle, as long as the person is dropping off or picking up a student and remains in the vehicle and the firearm is not loaded and is in either a locked container or a locked firearms rack.

This amendment was not adopted.

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LD 996 An Act To Maintain the Current Number of Appointees to the Maine Arts Commission

PUBLIC 180

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P LANGLEY B	OTP-AM OTP	

This bill reduces the number of members of the Maine Arts Commission from a maximum of 21 to a maximum of 15.

Committee Amendment "A" (H-408)

This amendment is the majority report of the committee and requires that the Maine Arts Commission must consist of 15 members, consistent with similar commissions.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 180 reduces the number of members of the Maine Arts Commission from a maximum of 21 to a maximum of 15.

LD 997 An Act To Increase Funding to Schools by Repealing Unnecessary and Burdensome Regulations

ONTP

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

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

The bill proposes to increase funding to schools by repealing unnecessary and burdensome regulations.

LD 1015 Resolve, To Study the Student Transfer Process

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM ONTP	H-198

This bill provides that a parent of a student requesting a transfer from one school administrative unit to another school administrative unit may not request the Commissioner of Education to review a decision to not approve a transfer if both superintendents find a transfer is not in the student's best interest. The bill also establishes the Commission To Study the Student Transfer Process to conduct a review of the appeal process under the laws governing the transfer of a student from one school administrative unit to another school administrative unit, including, but not limited to, a review of the criteria used by the Commissioner of Education and the State Board of Education to make a decision regarding a parent's request to review a decision to not approve a transfer.

Committee Amendment "A" (H-198)

This amendment replaces the bill with a resolve that, like the bill, establishes the Commission To Study the Student

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- 3. Education and training for athletic directors, coaches and athletic trainers; and
- 4. Penalties for violations of the Act.

LD 1073 An Act To Clarify Laws Regarding Maine's Community Colleges

PUBLIC 179

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B KORNFIELD T	OTP-AM	S-194

This bill:

- 1. Changes the name of the Maine Community College System's advisory council of college presidents from the administrative council to the presidents' council;
- 2. Allows the Board of Trustees of the Maine Community College System to encourage the development of innovative education delivery methods, course schedules, student support services and prior learning assessments that help expand access to both credit and noncredit programming;
- 3. Allows the Board of Trustees of the Maine Community College System to support the development of campus security plans and policy and to develop and administer programs of campus employment;
- 4. Makes changes to promote the regular use of facility master planning;
- 5. Removes the requirement that the Legislature must approve real estate transactions selling or permanently transferring any interest in real estate; and
- 6. Imposes a number of constraints on contracts the board of trustees may enter into, other than employment contracts.

Committee Amendment "A" (S-194)

This amendment clarifies that scholarships, not awards, granted by the board of trustees of the Maine Community College System must be based on evidence of individual need and worth. It also clarifies qualifications students must meet in order to be selected for a scholarship or campus employment. It also provides that the board of trustees of the Maine Community College System may make hardship distributions from any of the accumulated assets in a defined contribution retirement plan account in accordance with federal regulations.

Enacted Law Summary

Public Law 2017, chapter 179:

- 1. Changes the name of the Maine Community College System's advisory council of college presidents from the administrative council to the presidents' council;
- 2. Allows the Board of Trustees of the Maine Community College System to encourage the development of innovative education delivery methods, course schedules, student support services and prior learning assessments that help expand access to both credit and noncredit programming;
- 3. Allows the Board of Trustees of the Maine Community College System to support the development of campus security plans and policy and to develop and administer programs of campus employment;
- 4. Clarifies qualifications students must meet in order to be selected for a scholarship or campus employment and

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clarifies that scholarships, not awards, granted by the board of trustees of the Maine Community College System must be based on evidence of individual need and worth;

- 5. Makes changes to promote the regular use of facility master planning;
- 6. Removes the requirement that the Legislature must approve real estate transactions selling or permanently transferring any interest in real estate;
- 7. Imposes a number of constraints on contracts the board of trustees may enter into, other than employment contracts; and
- 8. Provides that the board of trustees of the Maine Community College System may make hardship distributions from any of the accumulated assets in a defined contribution retirement plan account in accordance with federal regulations.

LD 1074 An Act To Support Public Charter School Enrollment Options for ONTP
Certain Students

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

This bill authorizes public charter schools to give enrollment preference to students at risk for academic failure. It also authorizes public charter schools with a mission for single-gender education to give enrollment preference based on gender.

LD 1080 An Act To Prevent Economic Hardship in Maine School Administrative ONTP
District 44

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

This bill maintains the existing ad valorem cost-sharing agreement of the members of Maine School Administrative District 44 by requiring the Town of Newry to remain a member of that district. The bill expresses the Legislature's findings that the Constitution of Maine requires municipalities to support public schools, that there exists established precedent for prohibiting the withdrawal of a municipality from a school district and that the residents of the school district have considered and rejected an amendment to the cost-sharing formula used to fund education and have expressed objection to the use of the withdrawal process for the purpose of tuitioning students back to the same school district at increased expense of neighboring towns.

LD 1093 An Act To Clarify That Involuntary Transfers of Teachers and Accepted Majority
Municipal Public Employees Are Subject to Collective Bargaining (ONTP) Report

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

This bill specifies that the involuntary transfer of a teacher or other municipal employee is included in working conditions that must be collectively bargained in good faith. This bill specifies that an involuntary transfer is not

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considered an educational policy, which is not subject to negotiation.

Committee Amendment "A" (H-442)

This amendment replaces the bill and changes the title to reflect the provisions of the amendment. The bill requires involuntary transfers of teachers or other municipal employees to be subject to collective bargaining. The amendment requires school boards to adopt and implement policies governing involuntary transfers of teachers. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

LD 1104 An Act To Exempt School Resource Officers from Department of Education Background Check and Fingerprinting Requirements

PUBLIC 155

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAGGAN D CUSHING A	OTP-AM	H-283

This bill exempts from the school personnel background check and fingerprinting requirements law enforcement officers from a local law enforcement agency with jurisdiction over a school's premises, commonly called school resource officers, who assist with school security, safety, emergency preparedness or emergency response or have been assigned other responsibilities concerning the school by the school or the local law enforcement agency.

Committee Amendment "A" (H-283)

This amendment specifies that the exemption in the bill from school personnel background checks for law enforcement officers applies only to active duty law enforcement officers.

Enacted Law Summary

Public Law 2017, chapter 155 exempts from the school personnel background check and fingerprinting requirements active duty law enforcement officers from a local law enforcement agency with jurisdiction over a school's premises, commonly called school resource officers, who assist with school security, safety, emergency preparedness or emergency response or have been assigned other responsibilities concerning the school by the school or the local law enforcement agency.

LD 1113 An Act To Improve Antihunger Programs in Maine Schools

PUBLIC 238

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S KORNFIELD T	OTP-AM ONTP	S-184

This bill requires the Department of Education to develop and make available to public schools an Internet-based application for eligible students for free or reduced-price meals under the National School Lunch Program. The bill provides that a public school may make available the Internet-based application developed by the department for school meal applications. The bill also provides that if a public school implements an Internet-based application process, the public school is required to maintain paper applications for school meals.

Committee Amendment "A" (S-184)

This amendment is the majority report of the committee. The amendment requires the Department of Education to make information available to public schools regarding Internet-based applications for eligible students for free or reduced-price meals under the National School Lunch Program as in the bill, but removes the requirement that the

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department develop the application. The amendment specifies to whom a paper application must be made available if a public school implements an Internet-based application process.

Enacted Law Summary

Public Law 2017, chapter 238 requires the Department of Education to make information available to public schools regarding Internet-based applications for eligible students for free or reduced-price meals under the National School Lunch Program. It specifies that a paper application for school meals must be made available to any student, parent or legal guardian who requests one if a public school implements an Internet-based application process.

LD 1129 An Act Regarding College Affordability

Died Between Houses

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

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

This bill proposes to enact measures designed to increase the affordability of college.

Committee Amendment "A" (H-394)

This amendment is the majority report of the committee and changes the title and replaces the bill with a resolve. The amendment requires the Maine Community College System to identify and review programs that make college affordable and accessible in other states and to report its findings to the Joint Standing Committee on Education and Cultural Affairs by February 1, 2018. It provides funding for two new scholarship programs within the Maine Community College System in fiscal years 2017-18 and 2018-19. It provides \$1,000,000 for a last dollar scholarship program to cover tuition and fees for selected students enrolled in a one-year occupational certificate program and \$2,000,000 for a last dollar scholarship program to cover tuition and fees for selected students who have successfully completed the first year of a two-year program and are enrolled for the second year. The amendment adds an appropriations and allocations section to implement the scholarship programs.

This amendment was not adopted.

LD 1130 An Act To Provide Traffic Safety Education in Schools

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M KATZ R	OTP-AM ONTP	H-469 H-537 DAUGHTRY M

The purpose of this bill is to provide students in Maine with access to traffic safety education from an early age with the goal of teaching students safe practices and respect for all users of the road in order to reduce the unacceptable number of pedestrian and bicyclist fatalities and make Maine's roadways safer and more enjoyable for all users.

This bill requires all school administrative units to provide at least one hour annually of age-appropriate traffic safety education to students in grades two to 12. The traffic safety education program must provide, at a minimum, instruction on the use of public and private ways by pedestrians, bicyclists and motor vehicle operators and on the laws and rules regarding that use. A school administrative unit may contract with a third party to provide the education.

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Committee Amendment "A" (H-469)

This amendment, which is the majority report of the committee, modifies the requirements in the bill for age-appropriate traffic safety education in school administrative units. The amendment provides that the traffic safety education must be provided annually to at least four different grade levels from kindergarten to grade 12. The amendment retains the requirements of the bill that the education be at least one hour in length and meet certain minimum requirements. This amendment also provides funding for 90% of the cost to school administrative units to implement the traffic safety education curriculum.

House Amendment "A" To Committee Amendment "A" (H-537)

This amendment requires traffic safety education to be provided annually in at least four different grades from grade four to grade 12, instead of kindergarten to grade 12 as in the committee amendment. This amendment revises the appropriations and allocations section based on the new requirement.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1131 An Act To Create Education Savings Accounts for Maine Students

**Accepted Majority
(ONTP) Report**

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

This bill directs the Treasurer of State to establish education savings accounts that may be used by the parents or legal guardians of children to pay for the education of their children outside of the public school system. The funding for these savings accounts would come from shifting 90% of the essential programs and services funding that would otherwise be provided by the State and the school administrative unit for each child into a savings account. The bill specifies what educational expenditures are permitted and provides for review of spending from the accounts.

Committee Amendment "A" (H-395)

This amendment is the minority report of the committee. It adds an appropriations and allocations section.

This amendment was not adopted.

LD 1132 An Act To Create Education Savings Accounts for Students with Special Needs

**Accepted Majority
(ONTP) Report**

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

This bill directs the Department of Education to establish education savings accounts for children with disabilities that may be used by the parents or legal guardians of such children for certain educational purposes. The funding for these accounts would come from shifting 90% of the essential programs and services funding that would otherwise be provided by the State and the school administrative unit for the child into the savings account. The bill provides mechanisms for approval of educational expenditures and review of spending from the accounts.

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Committee Amendment "A" (H-284)

This amendment is the minority report and provides that a written agreement between a parent or legal guardian and the Department of Education is required to establish an education savings account for a child with disabilities. The agreement must state that the parent or legal guardian will not enroll the child in a public school or charter school, that the parent or legal guardian releases the school administrative unit from all obligations to educate the child and that the parent or legal guardian will use a portion of the education savings account funds allocated annually to provide an education for the child in a manner consistent with the system of learning results. It also adds to the renewal requirements that the child must have a review and acceptance of the child's progress by an identified individual with a current Maine teacher's certificate. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

**LD 1143 Resolve, Providing for the Official Observance of the 200th Anniversary
of the Formation of the State of Maine**

**RESOLVE 25
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J CARPENTER M	OTP-AM	H-453 S-323 HAMPER J

This resolve establishes the Maine Bicentennial Commission to prepare and administer a comprehensive plan and program for the adequate observance and celebration on a statewide basis of the bicentennial anniversary in 2020 of the formation of the State of Maine.

Committee Amendment "A" (H-453)

This amendment changes the membership of the Maine Bicentennial Commission. It provides that the Maine State Cultural Affairs Council, instead of the Legislative Council, will provide staff to the commission and allows the chair of the commission to request authority from the Legislative Council to have additional meetings. It changes the deadline for the progress report from December 15th of each year to the following: December 6, 2017; November 7, 2018; December 4, 2019; and November 4, 2020. The amendment provides that the joint standing committee of the Legislature having jurisdiction over education and cultural affairs will receive the progress reports instead of the joint standing committee of the Legislature having jurisdiction over state and local government matters. The amendment also includes an appropriation of \$75,000 from the General Fund and an ongoing allocation of \$500 from Other Special Revenue Funds.

Senate Amendment "A" To Committee Amendment "A" (S-323)

This amendment removes the appropriations of \$75,000 from the General Fund from Committee Amendment "A" but retains the ongoing allocation of outside funds received for the State of Maine bicentennial celebration. This amendment also adds an emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2017, chapter 25 establishes the Maine Bicentennial Commission to prepare and administer a comprehensive plan and program for the adequate observance and celebration on a statewide basis of the bicentennial anniversary in 2020 of the formation of the State of Maine. The State Cultural Affairs Council will provide staff to the commission and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs will receive reports on the commission's progress.

Resolve 2017, chapter 25 was finally passed as an emergency measure effective August 2, 2017.

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and secondary schools in this State. The system is required to develop recommendations for a wage schedule and other methods of improving recruitment and retention of child development educators and staff and submit its findings to the Joint Standing Committee on Education and Cultural Affairs, which is authorized to report out a bill to the Second Regular Session of the 128th Legislature.

LD 1171 An Act To Sustain and Attract Skilled Workers to Maine by Improving the Job Creation Through Educational Opportunity Program Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J NADEAU C	OTP-AM ONTP	

This bill establishes a position within the Finance Authority of Maine to assist Maine residents in communicating with secondary school guidance counselors, college career counseling services staff and the Department of Administrative and Financial Services, Maine Revenue Services and with other issues related to the Maine resident's participating in the Job Creation Through Educational Opportunity Program. This bill also increases the amount to market the program throughout the State from \$20,000 to \$50,000.

Committee Amendment "A" (S-151)

This amendment is the majority report of the committee. The amendment strikes the section of the bill that establishes a liaison position with respect to the Job Creation Through Educational Opportunity Program and replaces it with a section appropriating \$70,000 in ongoing annual funds for the Finance Authority of Maine to hire and pay a full-time customer service employee for the purposes of promoting the Job Creation Through Educational Opportunity Program and assisting interested individuals, businesses and schools. The amendment also provides that the Finance Authority of Maine is not required but may contract with a private, nonprofit corporation to help market the program.

This amendment was not adopted.

LD 1184 An Act To Exempt Public Safety Buildings from Historic Preservation Restrictions Accepted Majority (ONTP) Report

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

This bill exempts a public safety building, which is defined as a state, county or municipal building with the primary function of housing police, fire or emergency medical services, from restrictions imposed by the Maine Historic Preservation Commission or by a historical society in the State.

LD 1206 An Act To Increase State Funding to Maine Public Charter Schools and Noncharter Public Schools Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M LANGLEY B	OTP-AM OTP-AM	H-304

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This bill changes the multiplier for adjusting a public charter school's operating allocation from the appropriate transition percentage in accordance with the Maine Revised Statutes, Title 20-A, section 15671, subsection 7, to 105%.

Committee Amendment "A" (H-304)

This amendment is the majority report of the committee. The amendment:

1. Changes the multiplier for adjusting a public charter school's operating allocation to 100% rather than 105% as in the bill; and
2. Adjusts the noncharter public school's operating allocation calculated in accordance with the Maine Revised Statutes, Title 20-A, section 15671, subsection 7, from 97% to 100%.

Committee Amendment "B" (H-305)

This amendment is the minority report of the committee. The amendment changes the multiplier for adjusting a public charter school's operating allocation to 100% rather than 105% as in the bill.

LD 1215 An Act To Clarify Collective Bargaining in School Districts ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M BELLOWS S	ONTP	

This bill allows, but does not require, public employers of teachers to negotiate with respect to educational policies.

**LD 1228 An Act To Ensure That Charter School Students Have Access to Died Between
Extracurricular Activities Houses**

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

This bill provides students enrolled in a public charter school with the same access to extracurricular activities as students receiving homeschool instruction.

Committee Amendment "A" (H-285)

This amendment, which is the minority report of the committee, revises the substance of the bill to provide that a school administrative unit is required to make both extracurricular and cocurricular activities available to a student enrolled in a public charter school who is eligible to attend a school of that school administrative unit, including a student who resides in the unorganized territory. The amendment defines "eligible student."

The amendment provides that an eligible student is eligible to participate in cocurricular activities sponsored by the school administrative unit upon approval of the principal or the principal's designee, which may not unreasonably be withheld. The student must comply with the applicable behavioral, disciplinary and other rules governing regularly enrolled students participating in the activities.

Like the bill, the amendment provides that an eligible student is eligible to try out for extracurricular activities

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sponsored by the local school unit on the same basis as a student receiving homeschool instruction may do under current law. The amendment adds a requirement that the student pay the same fees as regularly enrolled students participating in the activity pay. The local school unit may not impose any eligibility standards for participation in extracurricular activities by an eligible student that are not imposed on all other students.

The amendment also provides that, if an eligible student participates in cocurricular or extracurricular activities, the public charter school in which the eligible student is enrolled is required to pay to the local school unit the amount of the EPS per-pupil funding received by the public charter school for cocurricular and extracurricular activities, except that the public charter school is not required to pay in any fiscal year more than 100% of the fiscal year amount of the EPS per-pupil funding received by the public charter school for cocurricular and extracurricular activities.

This amendment was not adopted.

LD 1233 An Act To Provide Veterans and Gold Star Families Free Admission to the Maine State Museum ONTP

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

This bill provides for free admission to the Maine State Museum for veterans and persons who are eligible to possess gold star lapel buttons or lapel buttons for next of kin of deceased military personnel.

LD 1234 An Act To Amend Maine's Truancy Laws by Specifying Penalties for Noncompliance ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K MAKER J	ONTP	

This bill changes the age range for compulsory school attendance from seven years of age to under 17 years of age to six years of age to under 18 years of age and changes the number of absences required for a student to be considered truant. It establishes a fine for parents adjudged for repeated violations of the truancy laws and allows the superintendent to inform the Department of Health and Human Services that the student is a victim of abuse or neglect based on the parent's failure to ensure compliance with school attendance requirements. It also establishes a fine and possible driver's license suspension for truant students.

LD 1286 An Act To Facilitate Compliance by School Employees with Criminal History Record Check and Fingerprinting Requirements CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MAREAN D	OTP-AM	S-221

This bill requires every school administrative unit to obtain a criminal history background check of an individual before hiring or placing that individual within the school administrative unit except for educational personnel currently required to undergo a criminal history background check. This bill also requires every school administrative unit to conduct an audit to determine if the school administrative unit possesses a criminal history background check for all current employees of the school administrative unit and to obtain criminal history background checks for those employees for whom the school administrative unit does not have a criminal history

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LD 1294 Resolve, To Convene a Study Group To Study Proficiency in Content Areas for Secondary School Graduation Standards ONTP

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

This resolve directs the Commissioner of Education to convene a study group with various interested parties and stakeholders to determine baseline proficiency standards for the eight content areas under the parameters for essential instruction and graduation requirements that represent a midpoint between current eighth grade standards of proficiency and secondary school graduation standards of proficiency. Current law requires for the graduating class of 2024-2025 full proficiency in all eight content areas in order to graduate from secondary school. This resolve directs the Commissioner of Education to draft recommended legislation to require full proficiency in six of the content areas chosen at the student's discretion and baseline proficiencies in the remaining two content areas as requirements to graduate from secondary school for the 2024-2025 school year.

LD 1297 An Act To Set Standards in the System of Learning Results for Financial Literacy Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M LANGLEY B	ONTP OTP	

This bill requires the Department of Education to include in the statewide system of learning results personal finance standards that align with the national standards for financial literacy developed by the Council for Economic Education.

LD 1319 An Act To Ensure Federal Title I Funding Is Directed to Classroom Learning Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N HANDY J	OTP-AM ONTP	

This bill amends the school funding formula in the Essential Programs and Services Funding Act to remove the reduction of the federal Title I funds under the federal Elementary and Secondary Education Act of 1965 received by school administrative units for teachers and other school staff and to require that school administrative units use federal Title I, Part A grant funds received under the federal Elementary and Secondary Education Act of 1965, as amended by the federal Every Student Succeeds Act, only to supplement the school administrative unit's funds that would, in the absence of such federal funds, be allocated from state and local school funding sources for the education of students participating in programs assisted under the federal law and not to supplant such state and local funds allocated to the school administrative unit.

Committee Amendment "A" (S-104)

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

This amendment was not adopted.

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**LD 1321 An Act To Promote Social and Emotional Learning and Development in
Early Childhood**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C PIERCE T	OTP-AM ONTP	S-128

This bill requires the Commissioner of Education to implement, beginning September 1, 2019, a statewide voluntary early childhood consultation program to provide support and guidance to early care and education teachers and to providers working in public preschools, child care centers, family child care settings and Head Start programs serving infants and young children who are experiencing challenging behaviors that put them at risk of learning difficulties and removal from early learning settings. The bill authorizes the Department of Education to designate an entity to design and implement an early childhood consultation program as a pilot project, and to report back to the joint standing committee of the Legislature having jurisdiction over education matters with its recommendations concerning the amendment of the statewide voluntary early childhood consultation program.

Committee Amendment "A" (S-128)

This amendment, which is the majority report of the committee, provides funding to the Department of Education for personnel necessary to carry out the purpose of the bill and costs associated with the development and implementation of a pilot project to establish an early childhood consultation program.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

**LD 1334 An Act To Authorize the Town of Atkinson To Withdraw from School
Administrative District No. 41**

P & S 9

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N DAVIS P	OTP-AM	H-252

This bill authorizes the Town of Atkinson, which formed School Administrative District No. 41 with other municipalities pursuant to Private and Special Law 1965, chapter 68, to withdraw from School Administrative District No. 41 if it meets the requirements of the Maine Revised Statutes, Title 20-A, section 1466.

Committee Amendment "A" (H-252)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2017, chapter 9 authorizes the Town of Atkinson, which formed School Administrative District No. 41 with other municipalities pursuant to Private and Special Law 1965, chapter 68, to withdraw from School Administrative District No. 41 if it meets the requirements of the Maine Revised Statutes, Title 20-A, section 1466.

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LD 1335 An Act To Provide Youth Mental Health First Aid Training to Secondary School Health Educators

PUBLIC 269

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J BREEN C	OTP-AM ONTP	H-421 H-471 MCCREIGHT J

This bill requires the Department of Education to establish a program to ensure health educators in secondary schools receive training from properly credentialed trainers in youth mental health first aid.

Committee Amendment "A" (H-421)

This amendment is the majority report of the committee. It provides funding to the Department of Education for personnel and costs necessary to implement the provisions of the bill.

House Amendment "A" To Committee Amendment "A" (H-471)

Committee Amendment "A" provides ongoing funds for the Department of Education to establish a youth mental health first aid training program for health educators in secondary schools. This amendment eliminates that funding and instead requires a school administrative unit, if it receives funding for that purpose, to establish such a program.

Enacted Law Summary

Public Law 2017, chapter 269 requires a school administrative unit, if it receives funding to establish a youth mental health first aid training program for health educators in secondary schools, to establish such a program.

LD 1336 An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit

CARRIED OVER

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

This bill allows the withdrawal committee for a single municipality seeking to withdraw from a regional school unit to request an extension of time to submit an agreement to the Commissioner of Education for a period not to exceed 180 days after the formation of the withdrawal committee. The withdrawal committee by unanimous vote may request an extension from the commissioner beyond 180 days after the formation of the withdrawal committee.

It allows the withdrawal committee to petition the commissioner to order binding mediation between the parties if they fail to enter into an agreement within 180 days after the formation of the withdrawal committee. The agreement reached through mediation must be submitted to the commissioner for approval.

It requires the agreement for the withdrawal of a single municipality from a regional school unit to include a plan for providing child nutrition services in compliance with state and federal laws at schools operated by the withdrawing municipality and an anticipated budget for the schools operated by the withdrawing municipality for the first year of operation.

Committee Amendment "A" (H-443)

This amendment changes the bill's proposal to allow the withdrawal committee of a municipality petitioning to withdraw from a regional school unit to petition the Commissioner of Education to order binding mediation between the parties if they fail to enter into an agreement within 180 days after the formation of the withdrawal committee. The amendment instead allows the withdrawal committee to petition the commissioner to order mediation between

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the parties if they fail to enter into an agreement within 180 days. If the parties fail to enter into an agreement within 90 days after the commissioner orders mediation, the withdrawal committee may petition the commissioner to order binding mediation between the parties.

The amendment also provides that the referendum vote to approve the proposed agreement of withdrawal must be held before November 30th of the year prior to the proposed first year of operation of the schools of the petitioning municipality.

This bill was reported out of committee and then recommitted to the committee; it was then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1337 An Act To Define "Surrogate" for Student Residency Purposes ONTP

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

This bill specifies that a person is eligible to attend schools in the school administrative unit where the person's parent or surrogate resides, and defines a surrogate as an adult related to a minor and from whom the minor receives the ongoing care and support expected of a parent or, if no such relatives exist, an adult with whom the minor resides and who has provided the minor with the ongoing care and support expected of a parent.

LD 1344 An Act To Assess and Improve the Quality of Physical Education in Kindergarten to Grade 12 Accepted Majority (ONTP) Report

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

This bill provides that the Commissioner of Education may not consider financial hardship as a basis for granting a school administrative unit a waiver from physical education requirements.

The bill also directs the Department of Education to conduct a comprehensive assessment of physical education offered to kindergarten through grade 12 students in public schools. As part of the comprehensive assessment, the department is required to work with school administrative units to complete self-assessments.

Committee Amendment "A" (H-372)

This amendment, which is the minority report of the committee, provides a new title and removes the sections of the bill that direct the Department of Education to conduct a comprehensive assessment of physical education offered to kindergarten through grade 12 students in public schools and to report on that assessment. It leaves the section of the bill that provides that the Commissioner of Education may not consider financial hardship as a basis for granting a school administrative unit a waiver from physical education requirements.

This amendment was not adopted.

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**LD 1370 An Act To Enhance Safety on College and University Campuses by
Allowing Firearms To Be Carried on the Campuses of Public Colleges
and Universities**

**Accepted Majority
(ONTP) Report**

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

This bill provides that the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy may adopt rules and establish policies relating to firearms except that these rules and policies may not regulate or prohibit the otherwise lawful possession, carrying or transporting of firearms or ammunition by a person issued a permit to carry a concealed handgun under the Maine Revised Statutes, Title 25, chapter 252 or a person who may carry a concealed handgun under Title 25, section 2001-A, subsection 2, paragraph A-1. The bill also provides, with certain exceptions, that a person issued a permit to carry a concealed handgun under Title 25, chapter 252 or a person who may carry a concealed handgun under Title 25, section 2001-A, subsection 2, paragraph A-1 may not carry a concealed weapon within a student dormitory or residence hall or within a building of a public entertainment facility at which signs are conspicuously posted at entrances notifying attendees of any restriction on the possession of firearms in the facility during a game or event.

Committee Amendment "A" (H-373)

This amendment, which is the minority report of the committee, provides that rules and policies of the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy may not regulate or prohibit the otherwise lawful possession, carrying or transporting of a firearm by a person who has been issued a permit to carry a concealed handgun. The amendment removes the prohibition on rules and policies governing persons exempt from the concealed-carry permit requirement. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

LD 1371 An Act To Address Costs for Certain Special Education Students

ONTP

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

This emergency bill amends and enacts new statutory provisions in the school funding formula to address the high costs for certain in-district and out-of-district special education students beginning in the 2017-2018 school year. The bill provides school administrative units with additional state funding for certain special education students under the Essential Programs and Services Funding Act.

The bill amends the calculation of special education costs that are included in the amount of state subsidy that is allocated to school administrative units for the placement of special education students, including high-cost in-district and high-cost out-of-district students, under the essential programs and services school funding formula for those special education students whose costs for the special education programs and services required by federal and state law exceed \$100,000 in a given fiscal year.

The bill also amends a provision of law in Title 20-A, section 15689 to establish a new adjustment to the state share of the total allocation provided to school administrative units that receive a minimum state allocation to guarantee

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additional state funding for special education costs for special education students whose costs for the special education programs and services required by federal and state law exceed \$100,000 in a given fiscal year.

LD 1396 An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work as Educators

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM OTP-AM ONTP	H-522

This bill amends the provisions of the Maine Public Employees Retirement System regarding compensation and service retirement benefits for retired state employees and retired teachers who return to service as classroom-based employees or school administrators in the following ways.

1. It allows a retired state employee or retired teacher to be restored to service as a classroom-based employee or school administrator beyond the current five-year limit.
2. It removes the cap of 75% of compensation established for the position that the state employee or retired teacher is filling.
3. It allows a retired state employee or retired teacher who returns to service as a classroom-based employee or school administrator to receive full retirement, health, dental and life insurance benefits as offered for the position to be filled and suspends the provisions of retiree health, dental and life insurance benefits for retired state employees or retired teachers during the period of reemployment.
4. It retains the current provisions that a retired state employee or retired teacher who returns to service is not a member and therefore may not accrue additional creditable service or change the retired state employee's or retired teacher's earnable compensation for benefit calculation purposes.
5. It requires full employee and employer contributions to the retirement system for the unfunded liability and the state group health plan for retiree health care based upon the retired state employee's or retired teacher's compensation.

Committee Amendment "A" (H-522)

This amendment is the majority report of the committee. The amendment clarifies that a retired state employee or retired teacher who returns to service as a classroom-based employee or school administrator is entitled to the same normal retirement cost contributions that the employer is required to provide to the Maine Public Employees Retirement System that would be required for the position if the position were filled by an employee who is not a retired state employee or retired teacher.

This amendment was not adopted.

Committee Amendment "B" (H-523)

This amendment is the minority report of the committee. The amendment clarifies that a retired state employee or retired teacher who returns to service as a classroom-based employee or school administrator is entitled to the same normal retirement cost contributions that the employer and the employee are required to provide to the Maine Public Employees Retirement System that would be required for the position if the position were filled by an employee who is not a retired state employee or retired teacher.

This amendment was not adopted.

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LD 1404 An Act To Ensure Integrity of For-profit Colleges and Universities

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E POULIOT M	OTP-AM	S-204

This bill requires annual review of for-profit colleges by the State Board of Education to ensure that they are meeting adequate educational standards. If the board finds that a for-profit college is not meeting the standards, the board may terminate the degree-granting authority of a for-profit college.

Committee Amendment "A" (S-204)

This amendment makes the following clarifications and changes to the bill.

1. It clarifies that the bill applies to for-profit colleges and universities.
2. It clarifies that the required accreditation requirements for-profit colleges and universities must satisfy are regional accreditations.
3. It adds a requirement that student support services, including the process by which student complaints are handled, be reviewed as part of the evaluation by the State Board of Education to determine whether adequate educational standards are being met by a for-profit college or university.

LD 1416 An Act To Amend High School Diploma Standards

**Accepted Majority
(ONTP) Report**

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

This bill amends the requirements for a high school diploma and adds new subjects to those requirements. It repeals the sunset and application provisions of the high school diploma standards in the Maine Revised Statutes, Title 20-A, section 4722. It requires the Department of Education to adopt rules establishing pathways by which students may demonstrate achievement of high school diploma standards by documentation of college readiness assessment standardized test scores, combinations of GPA and academic and career indicators and advanced placement examinations and course grades.

Committee Amendment "A" (H-444)

This amendment is the minority report of the committee. The amendment changes the bill's proposed number of years that courses must be provided from four years to three years for the subjects of social studies and history, mathematics and science, which are required to receive a high school diploma. The amendment also provides ongoing funding to school administrative units for 90% of the cost of increasing secondary school requirements for mathematics, social studies and science by one year.

This amendment was not adopted.

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LD 1434 An Act To Clarify the Laws Regarding Education in the Unorganized Territories

ONTP

Sponsor(s)

TUELL W

Committee Report

ONTP

Amendments Adopted

This bill clarifies the following state laws related to education in the unorganized territories.

1. It requires the Department of Education to collect and publish academic outcome data for any public school located in an unorganized territory. The data must be collected and published in accordance with existing kindergarten to grade 12 educational reporting guidelines.
2. It requires the Department of Education to develop and publish budget data for any public school located in an unorganized territory. The data must be collected and published in accordance with existing kindergarten to grade 12 educational reporting guidelines.
3. It eliminates the Commissioner of Education's power to appoint agents and special attendance officers in the unorganized territories and requires that the Department of Education contract for school administrative services for the unorganized territories with neighboring school administrative units.
4. It provides that public schools located in unorganized territories are subject to the requirements of the system of learning results.

LD 1452 An Act To Ensure Student Privacy in the Digital Age

ONTP

Sponsor(s)

SAMPSON H
WOODSOME D

Committee Report

ONTP

Amendments Adopted

This bill:

1. Establishes data privacy practices for the Department of Education, school administrative units, schools, other agencies and third parties handling protected student data;
2. Subject to rule-making authority granted to the State Board of Education, requires administrative, physical and technical safeguards to be implemented to protect the privacy and integrity of protected student data;
3. Requires written consent by a parent or guardian of a student, or by a student 18 years of age or older, to share the student's personally identifiable information, with protections when no consent is required;
4. Subjects research using student personally identifiable information to student privacy protections;
5. Provides requirements for the minimization of and prohibitions on the collection of certain information without consent;
6. Establishes the right of a parent or guardian of a student, or a student 18 years of age or older, to inspect the student's personally identifiable information and make corrections for inaccuracies or misleading data;
7. Ensures the effectiveness of privacy protections of students by establishing the position of a state education

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privacy officer within the Department of Education who is responsible to the State Board of Education;

8. Establishes a private right of action, including civil penalties and damages against third parties, for failure to adequately protect student personally identifiable information or protected student data against the department, school administrative units or schools, except under specific circumstances; and

9. Requires the provisions of this Act be implemented by routine technical rules prior to October 31, 2018, and any rules adopted after the effective date of this Act on July 1, 2019 be major substantive rules.

LD 1470 An Act To Facilitate Voluntary Cooperation among School Systems

Died Between Houses

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

This bill enacts chapter 113-B in the Maine Revised Statutes, Title 20-A to facilitate voluntary collaboration and cooperation among school administrative units and career and technical education regions. It repeals chapter 113-A, "Regional Education Cooperatives," and chapter 114, "Regional Collaboration," and enacts a statute modeled on Title 30-A, chapter 115, "Interlocal Cooperation." Under this new chapter, school administrative units and career and technical education regions are authorized to exercise any of their powers on a joint or cooperative basis, including the undertaking of joint school construction projects and the issuance of bonds or notes.

Committee Amendment "A" (H-455)

This amendment, which is the minority report of the committee, adds a section to the bill to provide that the employees of a jointly created entity established under the Maine Revised Statutes, Title 20-A, chapter 113-B, which is enacted in the bill, are subject to the public sector collective bargaining laws for a public employer in accordance with Title 26, chapter 9-A.

This amendment was not adopted.

LD 1471 An Act To Amend the Laws Governing the Deduction for MaineCare Payments from a School Administrative Unit's State Subsidy

ONTP

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

This bill amends the law regarding MaineCare payments of school administrative units. Under current law, the Commissioner of Education is authorized to pay on behalf of a school administrative unit allowable school-based costs that represent the school administrative unit's portion of MaineCare payments. Current law also provides that the commissioner may then deduct that amount from the school administrative unit's state subsidy. This bill changes the law to require the commissioner to make payments from a nonlapsing account capitalized in an amount estimated by the commissioner to represent the total amount of allowable school-based costs representing the MaineCare payments of all of the school administrative units.

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LD 1483 An Act To Safeguard Student Contact Information Provided to Schools

**Died Between
Houses**

Sponsor(s)

SIROCKI H

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill prohibits a school administrative unit or school, or a representative of a school administrative unit or school, from using contact information of a student or student's parent or guardian to advance any campaign as defined in the Maine Revised Statutes, Title 21-A, section 1052, subsection 1. The bill also makes that contact information part of the student's education record.

Committee Amendment "A" (H-456)

This amendment is the minority report of the committee and provides that the prohibition in the bill against school administrative units and schools using the contact information of students or of parents and guardians of students to advance a campaign does not apply with respect to municipal and county referendums.

This amendment was not adopted.

**LD 1492 An Act To Attract, Educate and Retain New Mainers To Strengthen the
Workforce**

CARRIED OVER

Sponsor(s)

KATZ R
STEWART H

Committee Report

Amendments Adopted

This bill creates various programs to attract, educate and retain in the State's workforce immigrant populations in the following ways:

1. It creates the Office of New Mainers and the Office of New Mainers Advisory Committee to coordinate among various departments by developing a comprehensive plan to educate and train immigrant populations to fill needed positions of employers throughout the State;
2. It establishes the Welcome Center Initiative to operate welcome centers in adult education programs to attract, educate and retain in employment foreign-trained workers in municipalities or regions of the State that have immigrant populations or that have industries that are experiencing a shortage of trained workers, patterned after the New Mainers Welcome Center operated by the City of Portland adult education program through a pilot program created by the 126th Legislature;
3. It establishes three grant programs to:
 - A. Contract with service providers to provide English-language instruction, vocational training and placement of immigrants in the State with employers of the State;
 - B. Assist counties, municipalities and school administrative units in managing new immigrant populations that have settled within the counties, municipalities and school administrative units or in attracting immigrant populations to address depopulation or workforce shortages within the counties, municipalities and school administrative units; and

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3. Provides that state funding for the Maine School for Marine Science, Technology, Transportation and Engineering must be provided using the method established for public charter schools that are authorized by the Maine Charter School Commission;
4. Replaces the so-called declining enrollment adjustment to the calculation of essential programs and services;
5. Repeals the authority of the Commissioner of Education to expend and disburse funds for school improvement and support, implementation of performance evaluation and professional growth systems and learning results implementation, assessment and accountability;
6. Provides funding and authority for the commissioner to expend and disburse funds through a competitive grant process to establish pilot programs that would benefit students in public schools in the fields of science, computer science, technology, engineering and mathematics;
7. Provides funding and authority for the commissioner to expend and disburse funds to provide training for identification and intervention services for children with autism; and
8. Corrects cross-references.

Committee Amendment "A" (S-185)

This amendment is the minority report of the committee. The amendment replaces the appropriations and allocations section in the bill.

This amendment was not adopted.

LD 1555 An Act To Facilitate a Statewide Teacher Contract

ONTP

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

This bill allows a public employer of teachers to designate the State as its representative in collective bargaining negotiations for the purpose of encouraging consistent teacher contracts statewide.

LD 1569 An Act To Revise Certification Statutes for Educational Personnel

PUBLIC 235

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD T	OTP-AM	H-515

This bill amends the laws governing the credentialing process for teachers, educational specialists and administrators, and replaces references to the certification, authorization and approval of teachers and educational personnel with references to credentialing teachers and educational personnel.

Committee Amendment "A" (H-515)

This amendment amends the bill's proposals related to the laws governing the credentialing process for teachers, educational specialists and administrators. The amendment also provides a process for the certification of educational technicians.

Enacted Law Summary

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Public Law 2017, chapter 235 amends the laws governing the credentialing process for teachers, educational specialists and administrators, and replaces references to the certification, authorization and approval of teachers and educational personnel with references to credentialing teachers and educational personnel. The law also amends the process for the certification of educational technicians.

LD 1576 An Act To Enable Earlier Introduction of Career and Technical Education in Maine Schools

PUBLIC 171

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

This bill amends the career and technical education laws to enable career and technical education programs to serve students in grades six to eight.

Enacted Law Summary

Public Law 2017, chapter 171 amends the career and technical education laws to enable career and technical education programs to serve students in grades six to eight.

LD 1578 An Act Regarding Educational Standards for Maine Students

Accepted Majority (ONTP) Report

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

This bill accomplishes the following with regard to the statewide content standards, statewide assessment programs and the comparison of recent and proposed content standards and statewide assessment programs.

With regard to content standards, the bill:

1. Prohibits the Department of Education from adopting and implementing the common core state standards, or any standards developed by any similar initiative process or program, as the State's content standards for English language arts and mathematics and voids any prior actions taken to adopt or implement the common core state standards;
2. Requires the Department of Education, within 90 days after the bill's effective date, to replace the content standards in English language arts and mathematics with new standards that are consistent with the standards adopted by Massachusetts prior to that state's adoption of the common core state standards so that Maine's standards are, as much as possible, identical to those adopted by Massachusetts, except when a Maine context requires otherwise;
3. Specifies that the content standards that are based on the Massachusetts standards are effective for the 2018-2019, 2019-2020 and 2020-2021 school years only;
4. Requires the Department of Education, by June 30, 2019, to adopt new content standards for kindergarten and for each of grades one to 12 in English language arts and mathematics that are distinct and independent from the standards previously adopted by the Department of Education so that they are in place beginning with the 2021-2022 school year;

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5. States that a school administrative unit is not required to use all or any part of the content standards adopted by the Department of Education;
6. Prohibits the Commissioner of Education from adopting any model curricula that are aligned with the content standards;
7. Prohibits the Department of Education, the State Board of Education and any other state official, board or agency from adopting or revising any content standards in English language arts or mathematics until the new or revised standards are approved in accordance with the bill; and
8. Establishes the English language arts academic review committee and the mathematics academic review committee to review and approve statewide content standards developed by the department.

With regard to assessments, the bill:

1. For the 2017-2018 school year, requires the Department of Education to furnish and school administrative units and schools to administer the assessments for elementary and secondary schools that were administered during the 2013-2014 school year, including the New England Common Assessment Program for grades three to eight and the Maine High School Assessment testing program for grade 11 that includes the SATs in reading, mathematics and writing;
2. Requires the Department of Education to adopt or develop, not later than 90 days after the effective date of the bill, assessments for elementary and secondary schools in English language arts and mathematics that are aligned with the State's version of Massachusetts content standards for use only during the 2018-2019, 2019-2020 and 2020-2021 school years; and
3. Requires the Department of Education to adopt or develop by June 30, 2021, assessments for elementary and secondary schools in English language arts and mathematics that are aligned with the new content standards for use during the 2021-2022 school year and each school year thereafter.

With regard to the comparison of standards and assessments, the bill:

1. Requires the Department of Education to compare and publish on its website a comparison of the new content standards in English language arts and mathematics that will be effective in the 2021-2022 school year with Maine's state standards and the parameters for essential instruction and graduation requirements and to submit a report to the Legislature and Governor outlining the results of the comparison of the standards; and
2. Requires the English language arts academic review committee and the mathematics academic standards review committee to compare the content standards in English language arts and mathematics with the content standards that were previously adopted by the Department of Education pursuant to Public Law 2009, chapter 313, section 19 and Public Law 2009, chapter 647, section 1.

Committee Amendment "A" (H-457)

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

This amendment was not adopted.

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**LD 1603 An Act To Provide Flexibility for Education Technology Programs in
Maine Schools**

**Accepted Majority
(ONTP) Report**

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

This bill adds education technology grants to the list of eligible uses for the funds transferred from the General Purpose Aid for Local Schools account to the Learning Through Technology General Fund account.

LD 1638 An Act To Promote Workforce Education Attainment

PUBLIC 259

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

This bill was reported by the committee pursuant to joint order, S.P. 293.

This bill adds supporting an attainment goal of increasing the percent of working-age adults holding a high-value certificate, college degree, vocational education or other industry-recognized credential to 60% by 2025 with a focus on meeting future workforce needs to the list of responsibilities of the State Workforce Investment Board. The board may seek information from the Maine Workforce and Education Coalition in regards to an attainment goal. It also directs the Workforce Investment Board to track the State's progress toward the attainment goal and to annually report on the progress to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over labor, business, research and economic development matters.

Enacted Law Summary

Public Law 2017, chapter 259 adds supporting an attainment goal of increasing the percent of working-age adults holding a high-value certificate, college degree, vocational education or other industry-recognized credential to 60% by 2025 with a focus on meeting future workforce needs to the list of responsibilities of the State Workforce Investment Board. The board may seek information from the Maine Workforce and Education Coalition in regards to an attainment goal. It also directs the Workforce Investment Board to track the State's progress toward the attainment goal and to annually report on the progress to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over labor, business, research and economic development matters.

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SUBJECT INDEX

Administration, Department of Education, State Board, and School Governance

Not Enacted

LD 333	An Act To Stabilize Maine's Educational Leadership and Vision	ONTP
LD 380	An Act To Implement the Federal Every Student Succeeds Act in Maine	Leave to Withdraw Pursuant to Joint Rule 310
LD 680	An Act To Allow the Employment or Service in a School of a Spouse of a School Board or Committee Member	ONTP
LD 863	An Act To Create a Standard Kindergarten Entry Assessment	ONTP
LD 864	An Act To Provide for a Statewide Contract for School Teachers	Died Between Houses
LD 965	Resolve, To Create the Task Force To Study School Board Member Training	Majority (ONTP) Report
LD 1015	Resolve, To Study the Student Transfer Process	Died On Adjournment
LD 1555	An Act To Facilitate a Statewide Teacher Contract	ONTP

Alternative Education, Charter Schools and School Choice

Not Enacted

LD 48	An Act To Provide for Fairness in the Transfer of Students	ONTP
LD 674	An Act To Provide Public Charter Schools with Access to State Funds for Capital Expenses	ONTP
LD 840	An Act To Expand Educational Opportunities for Students in the Unorganized Territories	Majority (ONTP) Report
LD 865	Resolve, Directing the Department of Education To Determine the Effectiveness and Success of Charter Schools	ONTP
LD 866	An Act To Provide Additional Funds to Schools That Offer Residential Options	ONTP
LD 1074	An Act To Support Public Charter School Enrollment Options for Certain Students	ONTP

LD 1158	An Act To Remove the Limit on the Number of Public Charter Schools That May Be Approved	Majority (ONTP) Report
LD 1206	An Act To Increase State Funding to Maine Public Charter Schools and Noncharter Public Schools	Died On Adjournment
LD 1228	An Act To Ensure That Charter School Students Have Access to Extracurricular Activities	Died Between Houses
LD 1434	An Act To Clarify the Laws Regarding Education in the Unorganized Territories	ONTP
LD 1531	An Act To Amend Education Statutes	Died Between Houses

Career and Technical Education

Enacted

LD 1576	An Act To Enable Earlier Introduction of Career and Technical Education in Maine Schools	PUBLIC 171
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Not Enacted

LD 1016	An Act To Provide Funding for Career and Technical Education Based on Projected Enrollment	CARRIED OVER
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Cultural Affairs

Enacted

LD 996	An Act To Maintain the Current Number of Appointees to the Maine Arts Commission	PUBLIC 180
LD 1143	Resolve, Providing for the Official Observance of the 200th Anniversary of the Formation of the State of Maine	RESOLVE 25 EMERGENCY

Not Enacted

LD 750	An Act To Provide \$500,000 of Matching Funds over 4 Years through Appropriations and Allocations To Preserve Rural Heritage and Living History Pertaining to Science and Technology in Penobscot and York Counties	Majority (ONTP) Report
LD 1184	An Act To Exempt Public Safety Buildings from Historic Preservation Restrictions	Majority (ONTP) Report
LD 1233	An Act To Provide Veterans and Gold Star Families Free Admission to the Maine State Museum	ONTP

Curriculum, Instruction, Textbooks and Testing

Enacted

LD 398	Resolve, To Establish the Task Force To Recognize Computer Science in the Path to Proficiency	RESOLVE 21
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Not Enacted

LD 49	An Act To Improve Science and Engineering Education for Maine's Students	CARRIED OVER
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LD 95	An Act To Provide a Method for a Student To Be Excused from Standardized Testing	ONTP
LD 228	An Act To Amend the Mathematics Requirements for High School Graduation	CARRIED OVER
LD 322	An Act To Reintroduce Civics to High School Graduation Requirements	ONTP
LD 356	An Act To Repeal Certain Requirements for Graduation from Secondary School	Majority (ONTP) Report
LD 412	Resolve, To Direct the Development of After-school Programs	Veto Sustained
LD 462	An Act To Require a Capstone Project as a Condition of High School Graduation	ONTP
LD 528	An Act To Create a Maine Race, Ethnicity and Cultural Studies Educational Component	ONTP
LD 573	Resolve, To Audit Standardized Testing in Maine's Schools	ONTP
LD 679	An Act To Reform School Testing Procedures	ONTP
LD 751	An Act To Establish Districtwide Standardized Assessment Policies	ONTP
LD 987	Resolve, To Direct the Department of Education To Form a Study Group To Improve Public Education	ONTP
LD 1026	An Act To Assist Student Achievement	ONTP
LD 1288	An Act To Promote Computer Science and Efficient Communication between Schools and the Department of Education	ONTP
LD 1294	Resolve, To Convene a Study Group To Study Proficiency in Content Areas for Secondary School Graduation Standards	ONTP
LD 1297	An Act To Set Standards in the System of Learning Results for Financial Literacy	Majority (ONTP) Report
LD 1344	An Act To Assess and Improve the Quality of Physical Education in Kindergarten to Grade 12	Majority (ONTP) Report
LD 1416	An Act To Amend High School Diploma Standards	Majority (ONTP) Report
LD 1578	An Act Regarding Educational Standards for Maine Students	Majority (ONTP) Report

Education - Other

Not Enacted

LD 747	An Act To Amend Minimum Age Eligibility for School Enrollment	ONTP
LD 940	An Act To Increase Student Learning Time	ONTP
LD 978	An Act To Simplify the In-service Days Requirement in Education	Majority (ONTP) Report

LD 1131	An Act To Create Education Savings Accounts for Maine Students	Majority (ONTP) Report
LD 1337	An Act To Define "Surrogate" for Student Residency Purposes	ONTP
LD 1452	An Act To Ensure Student Privacy in the Digital Age	ONTP
LD 1492	An Act To Attract, Educate and Retain New Mainers To Strengthen the Workforce	CARRIED OVER

Health, Nutrition and Safety

Enacted

LD 678	An Act To Protect Students from Identity Theft	PUBLIC 247
LD 1113	An Act To Improve Antihunger Programs in Maine Schools	PUBLIC 238
LD 1335	An Act To Provide Youth Mental Health First Aid Training to Secondary School Health Educators	PUBLIC 269

Not Enacted

LD 378	An Act To Promote Physical Activity for Schoolchildren	Majority (ONTP) Report
LD 468	An Act To Provide for a Later Starting Time for High Schools	Minority (ONTP) Report
LD 748	An Act To Require at Least a 30-minute Lunch Period for Students	Minority (ONTP) Report
LD 753	Resolve, To Promote Internet Safety in Schools	ONTP
LD 809	An Act To Address Student Hunger with a "Breakfast after the Bell" Program	Veto Sustained
LD 816	An Act To Promote Academic Achievement through Hunger Relief for Maine Children	CARRIED OVER
LD 1051	An Act To Prevent Sudden Cardiac Arrest	ONTP
LD 1321	An Act To Promote Social and Emotional Learning and Development in Early Childhood	CARRIED OVER

Higher Education Attainment

Enacted

LD 1638	An Act To Promote Workforce Education Attainment	PUBLIC 259
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Not Enacted

LD 43	Resolve, To Establish the Task Force To Study Higher Education Attainment and Completion Goals	ONTP
LD 312	An Act To Support Workforce Development by Increasing Engineering Capacity	Majority (ONTP) Report

Online Learning Programs and Courses

Not Enacted

LD 1603	An Act To Provide Flexibility for Education Technology Programs in Maine Schools	Majority (ONTP) Report
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Postsecondary Education Finance and Student Aid

Enacted

LD 602	An Act To Amend the Laws Governing the Membership of the Advisory Committee on College Savings	PUBLIC 200
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Not Enacted

LD 32	An Act To Increase the Size of Grants under the Maine State Grant Program	Died Between Houses
LD 941	An Act To Facilitate the Purchase of Textbooks for Low-income College Students	ONTP
LD 1129	An Act Regarding College Affordability	Died Between Houses
LD 1171	An Act To Sustain and Attract Skilled Workers to Maine by Improving the Job Creation Through Educational Opportunity Program	Died Between Houses
LD 1290	An Act To Provide Student Loan Debt Relief to Maine Teachers	Majority (ONTP) Report

Postsecondary Education Governance and Coordination

Enacted

LD 1073	An Act To Clarify Laws Regarding Maine's Community Colleges	PUBLIC 179
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Not Enacted

LD 180	An Act To Enhance Higher Education in Maine through the Creation of a Unified Board of Higher Education	ONTP
LD 570	An Act To Create the Maine Institute of Technology	ONTP
LD 1404	An Act To Ensure Integrity of For-profit Colleges and Universities	Veto Sustained

Safe Schools and Student Conduct

Enacted

LD 1104	An Act To Exempt School Resource Officers from Department of Education Background Check and Fingerprinting Requirements	PUBLIC 155
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Not Enacted

LD 527	An Act To Prohibit Corporal Punishment in Schools	ONTP
LD 681	An Act Regarding Sexual Activity and Sexual Assault at Secondary and Postsecondary Educational Institutions	CARRIED OVER
LD 988	An Act Regarding Possession of a Firearm on School Property	INDEF PP

LD 1130	An Act To Provide Traffic Safety Education in Schools	CARRIED OVER
LD 1286	An Act To Facilitate Compliance by School Employees with Criminal History Record Check and Fingerprinting Requirements	CARRIED OVER
LD 1370	An Act To Enhance Safety on College and University Campuses by Allowing Firearms To Be Carried on the Campuses of Public Colleges and Universities	Majority (ONTP) Report

School Budgets

Not Enacted

LD 737	An Act To Allow Public Schools To Reserve Funds Designated for Operating Costs	Veto Sustained
LD 1528	An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of Regional School Unit No. 5	INDEF PP

School Construction, Facilities and Buses

Not Enacted

LD 129	An Act To Include Locally Funded School Construction Projects in the School Funding Formula	ONTP
LD 826	An Act To Prioritize the Renovation of Existing Underutilized Schools in Conjunction with the Closing of Nearby Schools Due to Declining Enrollment	ONTP
LD 862	Resolve, To Establish a Pilot Program To Install Video Cameras in School Buses	ONTP

School District Reorganization

Enacted

LD 1334	An Act To Authorize the Town of Atkinson To Withdraw from School Administrative District No. 41	P & S 9
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Not Enacted

LD 51	An Act Regarding the Withdrawal of a Single Municipality from a Regional School Unit	CARRIED OVER
LD 749	An Act To Ensure Municipal Equity for the Town of Frye Island	Leave to Withdraw Pursuant to Joint Rule 310
LD 1080	An Act To Prevent Economic Hardship in Maine School Administrative District 44	ONTP
LD 1336	An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit	CARRIED OVER
LD 1470	An Act To Facilitate Voluntary Cooperation among School Systems	Died Between Houses

School Finance

Not Enacted

LD 334	An Act To Clarify the Uses of the Fund To Advance Public Kindergarten to Grade 12 Education	CARRIED OVER
LD 397	An Act To Ensure the 3 Percent Tax on Incomes over \$200,000 Is Distributed Proportionally Based on Student Counts	Majority (ONTP) Report
LD 420	An Act To Require Same-year State Valuations for Education Funding Purposes for Municipalities That Lose More Than 35 Percent of Their Tax Base	ONTP
LD 601	An Act To Return the Normal Cost of Teacher Retirement to the State	Died On Adjournment
LD 603	An Act To Provide Funding for Preschool Programs	Died Between Houses
LD 682	An Act To Eliminate the Regional Adjustment for Public School Systems	ONTP
LD 736	An Act To Create Equity in Funding of Rural Schools	ONTP
LD 738	An Act To Make the School Budgeting Process a Biennial Process	Majority (ONTP) Report
LD 926	An Act To Improve Equity in State Aid to Schools	Leave to Withdraw Pursuant to Joint Rule 310
LD 997	An Act To Increase Funding to Schools by Repealing Unnecessary and Burdensome Regulations	ONTP
LD 1319	An Act To Ensure Federal Title I Funding Is Directed to Classroom Learning	Died Between Houses

Special Education Programs and Finance

Enacted

LD 127	Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education	RESOLVE 12 EMERGENCY
LD 642	Resolve, To Establish the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services	RESOLVE 26 EMERGENCY

Not Enacted

LD 355	An Act Regarding Special Education Costs	ONTP
LD 841	An Act To Provide Stability in MaineCare Payments for Educational Programming	ONTP
LD 919	An Act To Establish the Summer Success Program Fund	Veto Sustained

LD 1132	An Act To Create Education Savings Accounts for Students with Special Needs	Majority (ONTP) Report
LD 1160	Resolve, To Require a Study of Wages and Working Conditions for Child Development Educators and Staff	ONTP
LD 1371	An Act To Address Costs for Certain Special Education Students	ONTP
LD 1471	An Act To Amend the Laws Governing the Deduction for MaineCare Payments from a School Administrative Unit's State Subsidy	ONTP

Student Privacy

Not Enacted

LD 1483	An Act To Safeguard Student Contact Information Provided to Schools	Died Between Houses
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Teachers and Administrators

Enacted

LD 404	Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Late-filed Major Substantive Rule of the State Board of Education	RESOLVE 20 EMERGENCY
LD 1569	An Act To Revise Certification Statutes for Educational Personnel	PUBLIC 235

Not Enacted

LD 50	An Act To Amend the Laws Governing Teacher Certification	ONTP
LD 158	An Act To Improve the Certification and Evaluation of New Educators and Administrators by Consolidating Standards	ONTP
LD 181	An Act To Improve Teacher Preparation Programs	ONTP
LD 354	An Act To Address the Shortage of School Administrative Professionals	ONTP
LD 507	An Act To Establish Regional School Leadership Academies	Veto Sustained
LD 526	An Act To Remove the Cap on an Increase in the State Share of the Cost of Health Insurance for Retired Teachers	CARRIED OVER
LD 633	An Act To Amend Teacher Evaluation Requirements	Veto Sustained
LD 818	An Act To Improve the Quality of Teachers	Died Between Houses
LD 891	An Act To Support the Professional Development of Principals in Maine Schools	Veto Sustained
LD 1029	An Act To Abolish the 5-year Cap for Retired State Employees Who Return to Work	ONTP
LD 1093	An Act To Clarify That Involuntary Transfers of Teachers and Municipal Public Employees Are Subject to Collective Bargaining	Majority (ONTP) Report

LD 1156	An Act To Address Administrative Shortages in Maine Schools by Amending the Law Regarding the Salaries of Retired Public School Administrators Who Return to Service	ONTP
LD 1215	An Act To Clarify Collective Bargaining in School Districts	ONTP
LD 1396	An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work as Educators	Veto Sustained

Truants, Dropouts and Homeless Students

Not Enacted

LD 96	An Act To Improve Attendance at Public Elementary Schools	Veto Sustained
LD 353	An Act To Reduce Absenteeism in Students from Kindergarten to Third Grade	ONTP
LD 1234	An Act To Amend Maine's Truancy Laws by Specifying Penalties for Noncompliance	ONTP

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

August 2017

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**LD 56 An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws
Governing Returnable Containers**

PUBLIC 140

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A	OTP-AM OTP-AM	H-107 H-132 TUCKER R

This bill includes 50 milliliter and smaller wine or spirits bottles in the laws governing returnable containers.

Committee Amendment "A" (H-107)

This amendment, which is the majority report of the committee, replaces the bill. The amendment provides that, effective January 1, 2019, 50 milliliter and smaller wine or spirits bottles are included in the laws governing returnable containers and are subject to a refund value of not more than 5¢. The amendment also adds an appropriations and allocations section.

Committee Amendment "B" (H-108)

This amendment, which is the minority report of the committee, replaces the bill, changes the title and increases the penalties for civil violations of the State's littering laws as follows.

1. For a person disposing of 15 pounds or less or 27 cubic feet or less of litter, the minimum fine is increased from \$100 to \$500 and the maximum fine is increased from \$500 to \$1,000. For subsequent violations, the minimum fine is increased from \$500 to \$1,000 and the maximum fine is increased from \$1,000 to \$1,500.
2. For a person disposing of more than 15 pounds or more than 27 cubic feet of litter, the minimum fine is increased from \$500 to \$1,000.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-132)

This amendment removes application of the effective date of January 1, 2019, from the appropriations and allocations section of Committee Amendment "A".

Enacted Law Summary

Public Law 2017, chapter 140 provides that, effective January 1, 2019, 50 milliliter and smaller wine or spirits bottles are included in the laws governing returnable containers and are subject to a refund value of not more than 5¢.

**LD 57 An Act To Reduce Waste by Promoting the Use of Reusable Bags and
Recyclable Food Service Containers**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M VITELLI E	OTP-AM ONTP	H-18

This bill prohibits a retailer from using plastic bags to bag products at the point of retail sale or otherwise make plastic bags available to customers, with exceptions for certain types of plastic bags. This prohibition is effective September 1, 2020. A retailer may provide recyclable paper bags to bag products at the point of sale and must provide reusable bags for purchase by a customer. The bill also makes changes to existing law regarding retailer

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collection and recycling of used plastic bags to ensure consistency with the implementation of the plastic bag prohibition.

Committee Amendment "A" (H-18)

This amendment, which is the majority report of the committee, replaces the bill, changes the title and establishes a new state policy to promote the use of reusable bags and locally recyclable alternatives to disposable polystyrene foam food service containers as a way for consumers to reduce waste caused by disposable plastic bags and disposable polystyrene foam food service containers. To support that policy, the amendment:

1. Establishes goals for municipal adoption of reusable bag ordinances and polystyrene foam food service container ordinances;
2. Facilitates the sharing by the Department of Environmental Protection of information regarding municipally adopted reusable bag ordinances and polystyrene foam food service container ordinances; and
3. Directs the department to submit an annual report, beginning February 15, 2020, to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters that details municipal progress on the goals set forth under this policy and includes any recommendations to further promote the use of reusable bags and locally recyclable alternatives to disposable polystyrene foam food service containers.

The amendment also retains an existing provision of law that provides for the collection and recycling of used plastic bags by retailers but clarifies the responsibilities of the department under that provision.

LD 103 An Act To Prohibit the Use of Certain Disposable Food Service Containers ONTP

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

Beginning January 1, 2018, this bill prohibits the sale or distribution, at retail or wholesale, in the State of disposable food service containers composed in whole or in part of polystyrene foam, as well as disposable food service containers that are not recyclable or compostable unless there is no recyclable or compostable product available at a comparable cost. This bill requires the Department of Environmental Protection to adopt rules to implement these statutory provisions.

LD 160 An Act To Prohibit the Mining of Massive Sulfide Ore Deposits under the Maine Metallic Mineral Mining Act Accepted Majority (ONTP) Report

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

This bill amends the Maine Metallic Mineral Mining Act to prohibit the Department of Environmental Protection from approving an application for a mining permit if the applicant proposes to mine a metallic mineral ore deposit that contains a massive sulfide ore deposit. The bill defines a "massive sulfide ore deposit" as a metal sulfide ore deposit that, as determined by the Maine Geological Survey, contains in total 1,000,000 tons or more of metallic minerals.

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Committee Amendment "A" (H-158)

This amendment, which is the minority report of the committee, changes the title of the bill and replaces the bill. It repeals the Maine Metallic Mineral Mining Act and enacts a prohibition on the issuance of a permit, lease or license for or other approval or authorization of the mining of metallic minerals in the State for commercial or industrial purposes.

This amendment was not adopted.

**LD 182 An Act To Protect Firefighters by Establishing a Prohibition on the Sale PUBLIC 311
and Distribution of New Upholstered Furniture Containing Certain
Flame-retardant Chemicals**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W	OTP-AM	H-215
BREEN C	OTP-AM	S-338 SAVIELLO T

This bill prohibits a person from selling or offering for sale or distributing for promotional purposes new upholstered furniture containing more than 0.1% of a flame-retardant chemical or containing more than 0.1% of a mixture that includes flame-retardant chemicals.

Committee Amendment "A" (H-215)

This amendment, which is the majority report of the committee, amends the bill as follows:

1. It delays by one year to January 1, 2019, the proposed sales prohibition on new upholstered furniture containing flame-retardant chemicals;
2. It clarifies that the prohibition applies only to flame-retardant chemicals contained in the fabric or other covering or the cushioning materials of new upholstered furniture;
3. It allows retailers and wholesalers that have acquired new upholstered furniture containing flame-retardant chemicals for sale or distribution in the State prior to the effective date of the prohibition to sell, offer for sale or distribute for promotional purposes that furniture after the effective date of the prohibition; and
4. It clarifies the rule-making authority of the Department of Environmental Protection under the bill. The amendment also adds an appropriations and allocations section for costs to the department associated with the development and implementation of the prohibition program and the coordination of laboratory testing of furniture.

Committee Amendment "B" (H-216)

This amendment, which is the minority report of the committee, replaces the bill and prohibits, effective January 1, 2019, the sale, offering for sale or distribution for promotional purposes in the State new upholstered furniture unless the furniture meets standards for upholstered furniture, developed by the Department of Environmental Protection by rule, that reduce the hazards associated with smoldering ignition. The department shall, by June 1, 2018, develop the standards by rule, which must be consistent with the California Department of Consumer Affairs, Bureau of Electronics and Appliance Repair, Home Furnishings and Thermal Insulation's Technical Bulletin 117-2013.

The amendment also adds an appropriations and allocations section for costs to the Department of Environmental Protection to develop and oversee activities related to the adoption of the prohibition on the sale of new upholstered

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furniture that does not meet Department of Environmental Protection standards.

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-338)

This amendment increases the funding provided to the Department of Environmental Protection in fiscal year 2017-18 to provide funding for a full-time Environmental Specialist III position.

This amendment also provides for the transfer of funds from the Medical Use of Marijuana Fund, Other Special Revenue Funds account in the Department of Health and Human Services to the unappropriated surplus of the General Fund.

Enacted Law Summary

Public Law 2017, chapter 311 prohibits a person from selling or offering for sale or distributing for promotional purposes new upholstered furniture containing in its fabric or other covering or in its cushioning materials more than 0.1% of a flame-retardant chemical or containing more than 0.1% of a mixture that includes flame-retardant chemicals. This prohibition takes effect January 1, 2019.

LD 227 An Act To Exclude Cardboard Beverage Containers from the Laws PUBLIC 10
Governing Returnable Beverage Containers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T BLACK R	OTP-AM	S-4

This bill excludes from the definition of "beverage container" in the laws governing returnable beverage containers a container composed of compressed recycled cardboard with a plastic liner.

Committee Amendment "A" (S-4)

This amendment deletes from the bill the phrase "compressed recycled," thereby providing that all beverage containers composed of cardboard with a plastic liner are excluded from the laws governing returnable beverage containers.

Enacted Law Summary

Public Law 2017, chapter 10 excludes from the definition of "beverage container" in the laws governing returnable beverage containers a container composed of cardboard with a plastic liner.

LD 253 An Act To Repeal the Maine Metallic Mineral Mining Act ONTP

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

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

This bill proposes to repeal the Maine Metallic Mineral Mining Act, as contained in the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 9, which was enacted in 2012 under Public Law 2011, chapter 653. In addition to repealing the Maine Metallic Mineral Mining Act, this bill would repeal any other statutory provisions enacted as part of Public Law 2011, chapter 653 and would reenact any statutory provisions that were repealed under that same legislation. This bill would further direct the Department of Environmental Protection and the

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Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission to engage in separate rule-making processes to remove any changes to their respective rules that were implemented in accordance with Public Law 2011, chapter 653.

LD 254 An Act To Implement a Moratorium on Metallic Mineral Mining ONTP

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

This bill implements a moratorium on metallic mineral mining in the State by prohibiting the Department of Environmental Protection from issuing a permit to mine under the Maine Metallic Mineral Mining Act.

LD 349 An Act To Facilitate the Recycling of Discarded Mattresses Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM ONTP	S-58

This bill provides for the establishment of a new stewardship program in the State for discarded mattresses. Under the bill, a producer of mattresses, or an organization comprising one or more producers of mattresses, submits a plan for the establishment of a mattress stewardship program to the Commissioner of Environmental Protection for approval. Once approved, a program operates to provide convenient, free statewide collection opportunities for discarded mattresses, and discarded mattresses collected through the program are recycled or otherwise responsibly managed. A program is funded through the imposition of a mattress stewardship assessment, subject to review and approval by the commissioner, which is added to the purchase price of all mattresses sold in the State.

Committee Amendment "A" (S-58)

This amendment, which is the majority report of the committee, replaces the bill, changes the title and applies, starting January 1, 2018 and ending December 31, 2021, a recycling fee of \$5 on each mattress sold at retail in the State. This mattress recycling fee is to be deposited in the Mattress Recycling Grant Fund to support the Mattress Recycling Grant Program, which are both established in the amendment. Revenue in the Mattress Recycling Grant Fund is to be used by the Department of Environmental Protection to provide grants under the Mattress Recycling Grant Program to public and private entities demonstrating that a proposed program, project, initiative or activity is likely to increase the recycling and diversion from disposal of discarded mattresses within a particular community, municipality or region or the State. These provisions are repealed December 31, 2022. The amendment also adds an appropriations and allocations section.

**LD 357 An Act To Increase Penalties for the Discharge of Sewage, Septic Fluids, PUBLIC 49
Garbage, Sanitary Waste or Other Pollutants from Watercraft into
Inland Waters**

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

This bill establishes a penalty of not less than \$1,000 for the discharge of waste from watercraft in inland waters or for operating on inland waters a watercraft that has a permanently installed sanitary waste disposal system if it does not have a holding tank to prevent the discharge of sanitary waste into inland waters.

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Committee Amendment "A" (H-59)

This amendment changes the title, replaces the bill and increases the minimum penalty from not less than \$100 to not less than \$500 for the discharge of sewage, septic fluids, garbage or other pollutants from watercraft into inland waters or for operating on inland waters a watercraft that has a permanently installed sanitary waste disposal system if it does not have a holding tank to prevent the discharge of sanitary waste into inland waters.

Enacted Law Summary

Public Law 2017, chapter 49 increases the minimum penalty from not less than \$100 to not less than \$500 for the discharge of sewage, septic fluids, garbage or other pollutants from watercraft into inland waters or for operating on inland waters a watercraft that has a permanently installed sanitary waste disposal system if it does not have a holding tank to prevent the discharge of sanitary waste into inland waters.

LD 372 An Act To Protect Public Health through Septic Tank Inspections ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L VITELLI E	ONTP	

This bill amends existing law requiring the inspection of a subsurface wastewater disposal system on a property located within the shoreland area of the State that is to be transferred and expands these requirements to apply to the transfer of any property in the State on which a subsurface wastewater disposal system is located. The bill also amends other provisions of the Maine Revised Statutes as necessary to incorporate these changes.

LD 375 An Act To Establish a Carpet Stewardship Program ONTP

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

This bill provides for the establishment of a new stewardship program in the State for discarded carpet. Under the bill, a producer of carpet, or an organization comprising one or more producers of carpet, submits a plan for the establishment of a carpet stewardship program to the Commissioner of Environmental Protection for approval. Once approved, a carpet stewardship program operates to provide convenient, free statewide collection opportunities for discarded carpet, and discarded carpet collected through the program is recycled or otherwise responsibly managed. A program is funded through the imposition of a carpet stewardship assessment, subject to review and approval by the commissioner, which is added to the purchase price of all carpet sold in the State.

LD 385 An Act To Establish a Stewardship Program for Certain Rechargeable Batteries ONTP

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

This bill provides for the establishment of a new stewardship program in the State for discarded nickel-cadmium and small sealed lead-acid rechargeable batteries. Under the bill, a producer of such rechargeable batteries, or an organization comprising one or more producers of such rechargeable batteries, submits a plan for the establishment of a battery stewardship program to the Commissioner of Environmental Protection for approval. Once approved, a

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battery stewardship program operates to provide convenient, free statewide collection opportunities for discarded rechargeable batteries covered under the program, and discarded rechargeable batteries collected through the program are recycled or otherwise responsibly managed. This bill also amends existing laws relating to certain rechargeable battery types to avoid statutory conflicts with the new stewardship program for rechargeable batteries.

LD 395 *Resolve, Regarding Legislative Review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Major Substantive Rule of the Department of Environmental Protection* ONTP

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

This resolve provides for legislative review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection.

LD 399 *An Act To Revise Maine's Environmental Laws* CARRIED OVER

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

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

This bill proposes to revise laws governing environmental protection.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 400 *An Act Regarding the Construction or Placement of Decks within the Shoreland Zone* Died Between Houses

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

This bill authorizes municipalities to adopt ordinances that allow the construction or placement of a deck within the setbacks established pursuant to the laws governing shoreland zoning as long as certain requirements are met.

Committee Amendment "A" (H-165)

This amendment, which is the minority report of the committee, replaces the bill, changes the title and allows the construction or placement of a deck within the setbacks established pursuant to the laws governing shoreland zoning as long as certain requirements are met. The amendment also clarifies that the temporary storage of a seasonally used dock within the shoreland zoning setback area is not subject to civil penalties associated with the enforcement of local land use laws or ordinances.

This amendment was not adopted.

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LD 450 An Act To Prevent Oil Spills in Casco Bay ONTP

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

This bill amends the regulatory powers of the Board of Environmental Protection to require that rules relating to oil discharge prevention and pollution control for terminals, facilities, refineries, vessels and related equipment adopted under the board's authority must provide, subject to specified exceptions, that all vessels and barges engaged in transfers of oil or oil by-products, including transfers during ship-to-ship bunkering operations, be protected by an oil boom device during those transfers and notify the United States Coast Guard prior to those transfers. The bill also directs the Board of Environmental Protection to amend its existing rules relating to oil discharge prevention and pollution control to reflect these statutory changes.

LD 452 An Act To Remove the Reformulated Gasoline Requirement ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J WADSWORTH N	ONTP	

This bill repeals the law requiring retailers to sell only reformulated gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox and Lincoln counties and directs the Department of Environmental Protection to amend its rules to agree with the repeal of that law.

LD 469 An Act To Establish a Generally Applicable Regulatory Standard To Address Impacts of Sea Level Change and Increased Storm Surges ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M GRATWICK G	ONTP	

This bill amends the State's coastal management laws to require the Department of Environmental Protection to apply to activities under its jurisdiction a generally applicable regulatory standard that addresses the impacts of sea level change and increased storm surges on coastal resources within the coastal area of the State. The bill directs the department to adopt rules establishing that standard on or before November 1, 2018.

LD 559 An Act To Standardize the Law Concerning Property Transfers and To Protect Water Quality Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G SAVIELLO T	OTP-AM	H-60

This bill extends to inland shoreland areas the requirement that subsurface wastewater disposal systems on property located within a shoreland area be inspected prior to a sale of the property. Currently, that inspection requirement applies only to the sale of property located within a coastal shoreland area.

Committee Amendment "A" (H-60)

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This amendment amends the bill by adding an effective date of April 1, 2018.

LD 576 An Act To Amend the Laws Governing Funding for Landfill Closure Costs Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J DUNPHY M	OTP-AM ONTP	S-47

This bill extends the eligibility period for closure costs for a landfill that currently applies only to a landfill licensed on or before September 1, 1989. The bill provides that if a license application for a landfill was received on or before September 1, 1989, and the application was approved by the Commissioner of Environmental Protection within one year of receipt, the landfill is eligible for payment of 75% of certain closure costs by the Department of Environmental Protection.

Committee Amendment "A" (S-47)

This amendment, which is the majority report of the committee, amends the bill by clarifying that the eligibility of a landfill for reimbursement of certain closure and remediation costs under the Maine Revised Statutes, Title 38, section 1310-F is dependent on whether the landfill was issued a license on or before September 1, 1989 or whether the landfill's license application was accepted for processing by the Department of Environmental Protection on or before September 1, 1989, and such license was approved within one year of the date the license application was accepted for processing.

LD 577 An Act Regarding Zero-emissions Vehicles ONTP

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

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

This bill proposes to direct the Department of Environmental Protection, in recognition of state goals regarding emissions reductions, to modify rules associated with the sale of zero-emissions vehicles to reflect current market conditions and to identify ways that the State could meet its goals through the procurement of zero-emissions vehicles for state transportation fleets.

LD 580 An Act To Modify the Mining Laws ONTP

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

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

This bill proposes to enact provisions amending the State's mining laws, including, but not limited to, the following.

1. It would amend the laws regarding mining on state lands under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 to prohibit the issuance of a mining lease under that chapter authorizing mining operations located wholly or partially in, on or under designated lands, state historic sites, state parks, public reserved lands,

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the Allagash Wilderness Waterway or state-owned wildlife management areas.

2. It would amend the Maine Metallic Mineral Mining Act, referred to in this summary as "the mining act," to prohibit the issuance of a mining permit if any part of a proposed mining operation will be located wholly or partially in, on or under designated lands, state historic sites, state parks, public reserved lands, the Allagash Wilderness Waterway or state-owned wildlife management areas.
3. It would amend the definition of "mining area" under the mining act to clarify that each mining operation or activity must have a defined mining area and it would limit the allowance for groundwater contamination within a mining area under the mining act.
4. It would amend the mining act to prohibit the placement of any mining operation in, on or under a flood plain or a flood hazard area.
5. It would amend the mining act to prohibit the placement of any mining operation in or on a river, stream or brook or in, on or under a great pond or the coastal waters of the State.
6. It would clarify, for the purposes of the mining act, that mining by in situ leaching is prohibited.
7. It would require an applicant for a permit or a permittee under the mining act to provide special financial assurance coverage for a worst-case mining event or failure, with the amount of the coverage to be determined by the Department of Environmental Protection as based on an independent third-party cost estimate paid for by the applicant. Prior to commencing any mining operation or activity under an approved permit, a permittee would be required to fully fund, with cash or cash equivalents, a trust fund in the amount of this special financial assurance coverage.

The bill also proposes to enact a prohibition on metallic mineral mining in the State and to direct a corresponding repeal of all state agency rules relating to metallic mineral mining contingent upon the failure of the Department of Environmental Protection to finally adopt major substantive rules for metallic mineral mining in the State under the mining act on or before August 1, 2018.

LD 604 An Act To Protect Maine's Lakes by Prohibiting the Discharge of Waste from Watercraft ONTP

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

This bill enhances the penalty for an intentional or knowing violation of the law prohibiting the discharge of waste from watercraft into the inland waters of the State from a Class E crime to a Class C crime. The bill directs the Department of Inland Fisheries and Wildlife, in consultation with the Department of Environmental Protection, by July 1, 2018, to ensure that signs describing this prohibition against the discharge of waste from watercraft, including the increased penalties for an intentional or knowing violation of the prohibition, are installed at all state boat launch facilities.

LD 628 An Act To Amend the Municipal Subdivision Laws Died Between Houses

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

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This bill amends the law that defines a "subdivision." Current law provides that a subdivision is not created by the transfer of any interest in land to the owners of land abutting that land, unless the intent of the transferor is to avoid the objectives of the law governing subdivisions. The provision, however, qualifies this exclusion and provides that a subdivision is created if the land that was transferred is again transferred within five years to another person without all of the merged land; this bill removes this additional qualification.

**LD 683 An Act To Fund the Maine Solid Waste Diversion Grant Program and ONTP
To Phase Out Certain Containers from the Bottle Redemption Laws**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W CUSHING A	ONTP	

This bill phases out beverage containers 46 ounces and greater in capacity from the bottle redemption laws beginning December 1, 2017. It ends the liability of redemption centers and dealers to consumers for deposits January 1, 2018 and the liability of manufacturers and distributors February 1, 2019. The bill requires manufacturers of certain refillable containers and distributors of certain nonrefillable containers to pay a fee, beginning December 1, 2017, and ending December 1, 2022, at the rate of \$0.005 per beverage container delivered for sale or distribution during any month. All of the revenue from the fee is deposited into the Maine Solid Waste Management Fund for use by the Maine Solid Waste Diversion Grant Program.

LD 684 An Act To Increase Vegetative Buffers in the Shoreland Zone ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L GRATWICK G	ONTP	

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

This bill proposes to amend the laws governing shoreland zoning to increase the vegetative buffer requirement from 75 feet to 150 feet for certain areas in the shoreland zone. The bill also proposes to remove provisions in law that grandfather certain parcels of land and that allow smaller vegetative buffers on those parcels.

**LD 685 An Act To Establish the Mining Advisory Panel Accepted Majority
(ONTP) Report**

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

This bill establishes the Mining Advisory Panel, the purpose of which is to design and submit to the Legislature recommendations regarding the establishment of a statutory and regulatory framework for metallic mineral mining in the State. The panel consists of between three and seven members, some of whom must have expertise in the mining of volcanogenic massive sulfide deposits. On or before December 31, 2019, the panel must submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters containing its findings and recommendations, including draft legislation, regarding the establishment of a statutory and regulatory framework for metallic mineral mining. The Mining Advisory Panel is eliminated January 1, 2020.

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Committee Amendment "A" (H-228)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to fund the operating and support costs of the Mining Advisory Panel.

This amendment was not adopted.

LD 739 An Act To Improve Beach-cast Seaweed Management for Health, Ecology and Tourism ONTP

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

This bill allows municipalities to remove beach-cast seaweed without having to obtain a permit pursuant to the Natural Resources Protection Act after large storms or tides have deposited large amounts of beach-cast seaweed.

LD 805 An Act To Streamline the Municipal Review Process When Dividing a Structure into 3 or More Dwelling Units and To Amend the Process for Recording Subdivision Variances PUBLIC 104

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N CAMPBELL R	OTP-AM	S-70

This bill amends the laws governing subdivisions. The bill exempts from the law governing subdivisions a division of a structure into three or more dwelling units in a municipality where the project is subject to municipal site plan review. The bill amends the provision concerning when a municipal ordinance may have a definition of "subdivision" that conflicts with state law. The bill removes the authority of a municipality to expand the definition of "subdivision" to include the division of a structure into commercial or industrial units. The bill removes the requirement that variances from subdivision criteria be recorded in the registry of deeds within 90 days after final approval of a subdivision plan, but retains the requirement that the variance be recorded to be valid. The bill repeals provisions under which leased dwelling units are not subject to subdivision review.

Committee Amendment "A" (S-70)

This amendment provides that the exemption in the bill from the subdivision laws for the division of a new or existing structure in a municipality where a project is subject to municipal site plan review takes effect July 1, 2018. The amendment also requires that variances from subdivision criteria be recorded within two years of final subdivision approval; the bill removes a provision in current law requiring such recording within 90 days.

Enacted Law Summary

Public Law 2017, chapter 104 amends the laws governing subdivisions as follows.

1. Effective July 1, 2018, it exempts from the law governing subdivisions a division of a structure into three or more dwelling units in a municipality where the project is subject to municipal site plan review.
2. It amends the provision concerning when a municipal ordinance may have a definition of "subdivision" that conflicts with state law.
3. It removes the authority of a municipality to expand the definition of "subdivision" to include the division of a structure into commercial or industrial units.

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- 4. It removes the requirement that variances from subdivision criteria be recorded in the registry of deeds within two years after final approval of a subdivision plan, but retains the requirement that the variance be recorded to be valid.
- 5. It repeals provisions under which leased dwelling units are not subject to subdivision review.

LD 820 An Act To Protect Maine's Clean Water and Taxpayers from Mining PUBLIC 142
Pollution

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B FOLEY R	OTP-AM ONTP	S-73

This bill amends the State's mining laws as follows.

- 1. It prohibits the issuance of a mining lease under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 if the proposed mining operation is to be wholly or partially located in, on or under any designated land, state historic site, state park, public reserved land, submerged land or state-owned wildlife management area or the Allagash Wilderness Waterway. The bill also prohibits the issuance of a mining permit under the Maine Metallic Mineral Mining Act, referred to in this summary as the "Mining Act," if any part of the mining operation will be located wholly or partially in, on or under any of the same state lands.
- 2. It amends the definition of "mining area" under the Mining Act to restrict that definition to an area of land from which earth material is removed in connection with the mining of ore.
- 3. It amends the rule-making authority of the Department of Environmental Protection under the Mining Act to require that any rule or rule change proposed by the department in accordance with its authority under the Mining Act may not be finally adopted by the department unless legislation authorizing final adoption of such rules is enacted into law.
- 4. It prohibits the placement of any mining operation under the Mining Act in, on or under a river, stream or brook, a great pond, a freshwater wetland or a coastal wetland.
- 5. It amends permit approval conditions under the Mining Act relating to discharges causing groundwater contamination by allowing only for limited contamination of groundwater within a mining area that does not result in contamination of groundwater beyond the mining area; contamination of groundwater within the mining area that exceeds certain water quality criteria for pollutants; contamination of groundwater within the mining area that exceeds a specified level determined by the department based on site-specific geologic and hydrologic characteristics and in accordance with standards established by rule that are designed to minimize pollution from mining operations; or any violation of surface water quality standards.
- 6. It prohibits the placement of any mining operation under the Mining Act in, on or under a flood plain or a flood hazard area.
- 7. It requires an applicant for a permit or a permittee under the Mining Act to provide special financial assurance coverage for a worst-case catastrophic mining event or failure.
- 8. It requires the department, on or before January 12, 2018, to provisionally adopt and submit to the Legislature for review major substantive rules relating to the Mining Act.

Committee Amendment "A" (S-73)

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This amendment, which is the majority report of the committee, replaces the bill and amends the State's mining laws as follows.

1. It prohibits the issuance of a mining lease under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 if the proposed mining operation is to be wholly or partially located in, on or under any designated land, state historic site, state park, public reserved land, submerged land or state-owned wildlife management area or the Allagash Wilderness Waterway. The amendment also prohibits the issuance of a mining permit under the Mining Act if any part of the mining operation will be located wholly or partially in, on or under any of the same state lands.
2. It adds to the Mining Act definitions for the terms "dry stack tailings management," "mine shaft," "mine waste," "mine waste unit," "open-pit mining" and "wet mine waste unit," and it amends the existing definition for the term "tailings impoundment."
3. It amends the rule-making authority of the Department of Environmental Protection under the Mining Act to require that any rule or rule change proposed by the department in accordance with its authority under the Mining Act may not be finally adopted by the department unless legislation authorizing final adoption of such rules is enacted into law.
4. It amends permit approval conditions under the Mining Act relating to discharges causing groundwater contamination by allowing only for limited contamination of groundwater within a mining area that does not result in contamination of groundwater beyond the mining area; contamination of groundwater within the mining area that exceeds certain water quality criteria for pollutants; contamination of groundwater within the mining area due to pH or metals that exceeds limits set forth in the mining permit based on site-specific geologic and hydrologic characteristics; any violation of surface water quality standards; or, if groundwater or surface water quality within the mining area prior to the commencement of mining activity exceeds applicable water quality standards, further degradation of such groundwater or surface water quality. The amendment also provides a narrow definition of the term "mining area" applicable only to this provision on discharges causing groundwater contamination.
5. It prohibits the placement of mining operations under the Mining Act involving the removal of metallic minerals, the storage of metallic minerals or mine waste, the processing of metallic minerals or the treatment of mine waste in or on a flood plain or a flood hazard area.
6. It prohibits the removal of metallic minerals in, on or from a river, stream or brook, a great pond, a freshwater wetland or a coastal wetland.
7. It prohibits the placement of a mine shaft in, on or under a significant or outstanding river segment, an outstanding river, a high or moderate value waterfowl and wading bird habitat, a great pond or a coastal wetland.
8. It requires the use of dry stack tailings management and prohibits the use of wet mine waste units or tailings impoundments for the management of mine waste and tailings.
9. It prohibits open-pit mining.
10. It clarifies the financial assurance provisions in the Mining Act and requires an applicant for a permit or a permittee under the Mining Act to provide special financial assurance coverage for a worst-case catastrophic mining event or failure.
11. It authorizes, subject to the incorporation of specified amendments, final adoption of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A on January 13, 2017.

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12. It clarifies the rule-making authority of the Maine Land Use Planning Commission under the Mining Act and directs the commission, by July 1, 2018, to adopt rules related to commission certification of metallic mineral mining permit applications under the Mining Act. Those rules are routine technical rules.

Enacted Law Summary

Public Law 2017, chapter 142 amends the State's mining laws as follows.

1. It prohibits the issuance of a mining lease under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 if the proposed mining operation is to be wholly or partially located in, on or under any designated land, state historic site, state park, public reserved land, submerged land or state-owned wildlife management area or the Allagash Wilderness Waterway. The law also prohibits the issuance of a mining permit under the Mining Act if any part of the mining operation will be located wholly or partially in, on or under any of the same state lands.

2. It adds to the Mining Act definitions for the terms "dry stack tailings management," "mine shaft," "mine waste," "mine waste unit," "open-pit mining" and "wet mine waste unit," and it amends the existing definition for the term "tailings impoundment."

3. It amends the rule-making authority of the Department of Environmental Protection under the Mining Act to require that any rule or rule change proposed by the department in accordance with its authority under the Mining Act may not be finally adopted by the department unless legislation authorizing final adoption of such rules is enacted into law.

4. It amends permit approval conditions under the Mining Act relating to discharges causing groundwater contamination by allowing only for limited contamination of groundwater within a mining area that does not result in contamination of groundwater beyond the mining area; contamination of groundwater within the mining area that exceeds certain water quality criteria for pollutants; contamination of groundwater within the mining area due to pH or metals that exceeds limits set forth in the mining permit based on site-specific geologic and hydrologic characteristics; any violation of surface water quality standards; or, if groundwater or surface water quality within the mining area prior to the commencement of mining activity exceeds applicable water quality standards, further degradation of such groundwater or surface water quality. The law also provides a narrow definition of the term "mining area" applicable only to this provision on discharges causing groundwater contamination.

5. It prohibits the placement of mining operations under the Mining Act involving the removal of metallic minerals, the storage of metallic minerals or mine waste, the processing of metallic minerals or the treatment of mine waste in or on a flood plain or a flood hazard area.

6. It prohibits the removal of metallic minerals in, on or from a river, stream or brook, a great pond, a freshwater wetland or a coastal wetland.

7. It prohibits the placement of a mine shaft in, on or under a significant or outstanding river segment, an outstanding river, a high or moderate value waterfowl and wading bird habitat, a great pond or a coastal wetland.

8. It requires the use of dry stack tailings management and prohibits the use of wet mine waste units or tailings impoundments for the management of mine waste and tailings.

9. It prohibits open-pit mining.

10. It clarifies the financial assurance provisions in the Mining Act and requires an applicant for a permit or a permittee under the Mining Act to provide special financial assurance coverage for a worst-case catastrophic mining event or failure.

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11. It authorizes, subject to the incorporation of specified amendments, final adoption of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A on January 13, 2017.

12. It clarifies the rule-making authority of the Maine Land Use Planning Commission under the Mining Act and directs the commission, by July 1, 2018, to adopt rules related to commission certification of metallic mineral mining permit applications under the Mining Act. Those rules are routine technical rules.

LD 867 An Act To Mitigate the Spread of Invasive Milfoil in Wilson Stream ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ACKLEY K BELLOWS S	ONTP	

This bill provides \$15,000 to the Town of Monmouth for the construction of a gate with an electronic locking mechanism to restrict motor vehicle access at the public access point to Wilson Stream. The bill also requires the town to record an educational voice message that explains the dangers of invasive milfoil and how to obtain the code to unlock the gate. This message must be made available by telephone.

LD 881 An Act To Increase Wastewater Management Responsibility by Licensing Certain Municipal Sewage Collection Systems ONTP

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

This bill requires municipal satellite collection systems to be licensed by the Department of Environmental Protection as subpermittees under the licenses of publicly owned treatment works. It requires the department to issue a license to a municipal satellite collection system if the municipal satellite collection system meets operation and maintenance standards established in rules adopted by the department.

LD 894 An Act To Increase Funding for the Youth Conservation Corps ONTP

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

This bill increases funding beginning in fiscal year 2018-19 for the program established by the 127th Legislature to reduce shoreline erosion and protect lake water quality to be implemented and administered by a private organization contracted with by the Department of Environmental Protection. The bill directs the department for the years 2018 and 2019 to distribute appropriated funds for the program through a competitive bid process and requires the contracted private organization to use labor from a youth conservation corps in the summers of 2018 and 2019 to implement erosion control measures. It provides that the contracted organization is allowed to disburse to a youth conservation corps no more than \$1 of state funding for every \$2 in matching funds contributed by that youth conservation corps.

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LD 901 An Act To Amend the Laws Governing the Determination of a Wind Energy Development's Effect on the Scenic Character of Maine's Special Places

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR T SAVIELLO T	OTP-AM OTP-AM	H-213

This bill repeals and replaces the current law regarding when a visual impact assessment is required for an expedited wind energy development. The bill provides that a visual impact assessment is required if portions of a wind energy development's generating facilities are located within eight miles from a scenic resource of state or national significance, except that for certain specified scenic resources of state or national significance, a visual assessment is required if a development's generating facilities are located within 15 miles from the scenic resource of state or national significance. The bill also amends the definition of "viewshed of a scenic resource of state or national significance" for those same specified scenic resources.

Committee Amendment "A" (H-213)

This amendment, which is the majority report of the committee, replaces the bill and amends current law regarding when a visual impact assessment is required for an expedited wind energy development by requiring a visual impact assessment if portions of a wind energy development's generating facilities are located within eight miles of a scenic resource of state or national significance. It also requires all rules adopted under the laws regarding expedited permitting of grid-scale wind energy development on or after the effective date of the Act to be major substantive rules.

Committee Amendment "B" (H-214)

This amendment, which is the minority report of the committee, replaces the bill and amends current law regarding when a visual impact assessment is required for an expedited wind energy development by requiring a visual impact assessment if portions of a wind energy development's generating facilities are located within 12 miles of a scenic resource of state or national significance. It also requires all rules adopted under the laws regarding expedited permitting of grid-scale wind energy development on or after the effective date of the Act to be major substantive rules.

This amendment was not adopted.

LD 930 An Act To Protect Maine Families by Enhancing Well Water Regulation

ONTP

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

This bill requires all private wells used to provide water for human consumption to be tested for basic pollutants in accordance with rules adopted by the Department of Environmental Protection. The wells are required to be tested at least once every five years, and all new wells created after July 1, 2018 are required to be tested. All fees are waived for testing a well within an area in which there is a known environmental hazard or dispersal of pollutants that may contaminate the well.

The Department of Environmental Protection is required to determine the costs of implementing this legislation and, in consultation with the Public Utilities Commission and the Efficiency Maine Trust, identify appropriate funding sources to pay those costs. The department is required to submit its findings and recommendations to the Joint

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Standing Committee on Appropriations and Financial Affairs by January 15, 2018.

LD 931 An Act To Create Extended Producer Responsibility for Post-consumer Waste Generated from the Use of Tobacco Products ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L CHIPMAN B	ONTP	

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

This bill proposes to establish a system under which producers of tobacco products develop, finance and implement stewardship programs to collect, transport, process and safely dispose of post-consumer tobacco waste to reduce, prevent and mitigate the environmental effects of the disposal of that waste in the State. Such a system would be designed to:

1. Prohibit tobacco producers or retailers from selling or offering for sale tobacco products in the State unless they are participating in an approved tobacco waste stewardship program;
2. Require a tobacco producer to provide retailers that sell tobacco products information about the producer's tobacco waste stewardship program and information regarding available collection opportunities for post-consumer tobacco product waste. Under the bill, a retailer that sells tobacco products would be required to provide that information to its consumers at the time of sale;
3. Require each tobacco producer to submit a plan for its tobacco waste stewardship program to the State for approval. The plan must:
 - A. Specify educational and outreach activities and materials that promote and increase awareness of the tobacco waste stewardship program, including but not limited to a website and written materials. The outreach materials must identify options for establishing an effective collection system, promote a reduction in the generation of post-consumer tobacco product waste, identify each tobacco producer participating in the program, identify participating brands of tobacco products sold and identify the processors that manage the post-consumer tobacco product waste that is collected;
 - B. Establish and provide for the implementation of goals to reduce the generation of post-consumer tobacco product waste;
 - C. Outline the responsibility for negotiating and executing contracts to collect, transport and process post-consumer tobacco product waste for end-of-product management;
 - D. Describe how the end-of-product management of post-consumer tobacco product waste that is collected under the tobacco waste stewardship program will use environmentally sound management practices that are consistent with state laws and other relevant environmental rules and practices for ultimate disposal;
 - E. Establish a timeline for carrying out an annual assessment of the effectiveness of actions taken under the tobacco waste stewardship program;
 - F. Include an anticipated annual operating budget for the tobacco waste stewardship program; and
 - G. Identify an effective, convenient system for the collection of post-consumer tobacco product waste that ensures sufficient permanent collection sites and provides for collection events in geographically underserved areas;

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4. Establish a process for tobacco producers to amend their tobacco waste stewardship programs;
5. Require tobacco producers to submit annual reports, which must include the volume of post-consumer tobacco product waste collected, an independent financial audit, an evaluation of the tobacco waste stewardship program's funding mechanism, an updated budget, samples of educational and outreach materials, documentation of compliance with collection requirements, a description of activities undertaken to achieve the program's goals as provided for in the program plan and identification of proposed changes to the program;
6. Allow the state agency charged with overseeing tobacco waste stewardship programs to develop a pilot project for a tobacco waste stewardship program;
7. Require the state agency charged with overseeing tobacco waste stewardship programs to establish a schedule of fees;
8. Make financial cost, production or sales data and records confidential and establish a process for disclosure of aggregate information;
9. Require the state agency charged with overseeing tobacco waste stewardship programs to publish by municipality, city or county the total weight of post-consumer tobacco product waste collected; and
10. Establish civil penalties for violations.

LD 1003 Resolve, To Require the State's Mitigation Plan under the Volkswagen Mitigation Trust Agreement To Include the Use of Maine-generated Nonfossil Fuel Sources ONTP

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

This resolve requires that the beneficiary mitigation plan developed by the State to mitigate the lifetime nitrogen oxide emissions from noncompliant Volkswagen and Audi diesel vehicles must, to the extent possible, include the use of Maine-generated nonfossil fuel sources.

LD 1040 An Act Regarding Permitting under the Natural Resources Protection Act ONTP

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

This bill amends the Natural Resources Protection Act as follows.

1. It excludes artificial turf from the definition of "impervious area."
2. It amends the definition of "river, stream or brook" to provide that a channel must have all five of the characteristics listed in the definition. Current law requires that a channel must have at least two of the characteristics listed.
3. It amends the definition of "significant groundwater well" to provide that public water systems are not significant groundwater wells.

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- 4. It increases from 20,000 to 80,000 square feet the area of aquatic vegetation, emergent marsh vegetation or open water that a freshwater wetland must contain before a person is required to get a permit from the Department of Environmental Protection for activities adjacent to the freshwater wetland.
- 5. It provides that a person is not required to obtain a Natural Resources Protection Act permit from the Department of Environmental Protection for the establishment or operation of a significant groundwater well for a community public water system.
- 6. For determining if an activity unreasonably harms habitats or fisheries, it amends the definition of "mitigation" to provide that the Department of Environmental Protection may not consider whether an adverse impact of an activity can be avoided.
- 7. It amends the notification and comment requirements when a resource is used by a community public water system as a source of water supply.
- 8. It provides that the Department of Environmental Protection may only delegate review authority to the Department of Health and Human Services, Drinking Water Program or to a community public water system when an activity is located within a community public water system primary protection area and the activity does not otherwise require a Department of Environmental Protection permit under the Natural Resources Protection Act. It also removes the requirement to obtain a permit from the Department of Environmental Protection in such cases.
- 9. It includes existing water or sewer lines, culverts and natural gas pipelines in the permit exemption for existing crossings.
- 10. It provides that a replacement of existing public works does not require a Natural Resources Protection Act permit and it provides that the public works exemption applies to outstanding river segments.
- 11. It amends the exemption for activities that alter less than 4,300 square feet of freshwater wetlands.
- 12. It removes state-certified geologists from the list of professionals that may determine whether the integrity of a seawall or similar structure in a coastal sand dune system is destroyed or threatened for purposes of repairing the seawall or structure.
- 13. It amends the activities that are not eligible for Tier 1 or Tier 2 review when altering freshwater wetlands.

**LD 1081 An Act To Amend the Municipal Subdivision Laws Regarding the
Exemption for Transfers to Owners of Abutting Land**

ONTP

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

Current law provides an exemption to the laws governing subdivisions for a division of a tract or parcel of land accomplished by the transfer of any interest in the land to the owners of land abutting that land and removes that exemption if the exempt real estate is transferred within five years to another person without all of the merged land. This bill eliminates the language that provides for the removal of the exemption.

Joint Standing Committee on Environment and Natural Resources

LD 1094 An Act To Amend the Laws Governing the Review of Subdivisions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E CUSHING A	ONTP	

This bill amends the definition of "subdivision" in the laws regarding planning and land use regulation for subdivisions to specify that dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review that is at least as stringent. Current law specifies that leased dwelling units are not subject to subdivision review.

LD 1095 An Act To Establish the Maine Coastal Risks and Hazards Commission

CARRIED OVER

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

This bill establishes the Maine Coastal Risks and Hazards Commission, the purpose of which is to make findings and develop and submit to the Legislature recommendations regarding the actions to be taken by the State to address and prepare for coastal and coastal watershed hazards identified by the commission, including, but not limited to, increased storm surges, extreme precipitation and other extreme weather events, projected sea level rise and increased river flooding and storm water runoff. On or before November 1, 2019, and every five years thereafter, the commission must submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters containing its findings and recommendations, including any draft legislation to address identified coastal and coastal watershed hazards.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1096 An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities

INDEF PP

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

This bill amends the laws relating to the State's regulation of the shoreland zone as follows.

1. It requires the Department of Economic and Community Development, Office of Community Development to provide both basic and advanced training to code enforcement officers in the technical and legal aspects of code enforcement. Current law only requires that the office provide basic training to code enforcement officers.
2. It increases the maximum per day civil penalty for a specific violation of a municipal land use law or ordinance from \$2,500 to \$5,000 and increases the maximum per day civil penalty for a specific violation of a municipal shoreland zoning ordinance occurring within an area zoned for resource protection from \$5,000 to \$10,000.
3. It provides that municipal shoreland zoning ordinances must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction and postconstruction photographs of the shoreline vegetation and development site.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (H-370)

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

1. It strikes the requirement that the Department of Economic and Community Development, Office of Community Development provide advanced training to code enforcement officers.
2. It strikes the proposed increases in the maximum per day civil penalty for specific violations of certain municipal land use laws or ordinances.
3. It retains the provision that municipal shoreland zoning ordinances must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction and postconstruction photographs of the shoreline vegetation and development site.

The fiscal note on this amendment identifies as a potential state mandate certain requirements in the amendment relating to photographic records of developments within the shoreland zone. To be considered a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The members of the committee voting for this report find that the provisions identified in the fiscal note as a potential mandate do not require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue.

This amendment was not adopted.

LD 1178 *An Act To Better Understand and Control Invasive Aquatic Plants and Nuisance Species* ONTP

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

This bill temporarily increases by \$1 the annual fee for the lake and river protection sticker required under the Maine Revised Statutes, Title 12, section 13058. The bill requires a study of the State's efforts to prevent the infestation of, to control, to eradicate and to otherwise manage invasive aquatic plants and nuisance species in the waters of the State through the program implemented under Title 38, chapter 20-A. The revenue from the temporary fee increase may be used to fund this study. The bill directs the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife, in cooperation with the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species, to facilitate this study, which must, among other things, identify the additional amount of funding, if any, necessary to ensure the long-term viability and success of the statutory program as well as recommendations for acquiring that additional amount of funding.

On or before January 15, 2018, the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife jointly are required to submit a report to the Joint Standing Committee on Environment and Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife detailing the findings and recommendations of the study, including any draft legislation, and the Joint Standing Committee on Environment and Natural Resources, in consultation with the Joint Standing Committee on Inland Fisheries and Wildlife, may report out a bill relating to the report to the Second Regular Session of the 128th Legislature.

Joint Standing Committee on Environment and Natural Resources

LD 1194 Resolve, Establishing the Commission To Study and Assess Maine's Regulatory Environment ONTP

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

This resolve creates the Commission To Study and Assess Maine's Regulatory Environment. The commission is required to submit its report with its recommendations and including suggested legislation to the Joint Standing Committee on Environment and Natural Resources by December 6, 2017.

LD 1235 An Act Concerning Pavement Sealing Products Accepted Majority (ONTP) Report

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

This bill prohibits the sale of coal tar sealant products beginning October 1, 2019, and prohibits the application of coal tar sealant products on driveways or parking areas beginning October 1, 2020. The Commissioner of Environmental Protection may grant an exemption from the prohibitions for research or development purposes.

Committee Amendment "A" (H-166)

This amendment, which is the minority report of the committee, extends by one year the implementation dates for the prohibitions in the bill on the sale of coal tar sealant products and the application of coal tar sealant products and makes a minor technical correction to the bill.

This amendment was not adopted.

LD 1258 An Act To Modernize the Voluntary Response Action Program Funding Process PUBLIC 92

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J	OTP-AM	S-76

This bill simplifies the fee charged for assistance from the Department of Environmental Protection in submitting a voluntary response action plan by basing the fee on 2% of the assessed value of the property.

Committee Amendment "A" (S-76)

This amendment amends the bill by basing the fee charged for assistance from the Department of Environmental Protection in submitting a voluntary response action plan on 1% of the assessed property value. The amendment also caps the fee at \$15,000 and adds a delayed effective date of January 1, 2018.

Enacted Law Summary

Public Law 2017, chapter 92 simplifies the fee charged for assistance from the Department of Environmental Protection in submitting a voluntary response action plan by basing the fee on 1% of the assessed value of the property, capped at \$15,000. This law takes effect January 1, 2018.

Joint Standing Committee on Environment and Natural Resources

LD 1298 An Act To Update Maine's Water Quality Standards

CARRIED OVER

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

This bill updates Maine's water quality standards by aligning state law with the federal Clean Water Act regarding pesticide application to control invasive plants and mosquito-borne disease and authorizing the Department of Environmental Protection to use an alternative low-flow requirement when assessing the impact of nutrients on water quality, contingent upon the department's adopting nutrient rules.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1350 An Act To Amend the Law Regarding Recreational Gold Prospecting

Accepted Majority (ONTP) Report

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

This bill amends the law governing recreational gold prospecting. The bill establishes different classes of recreational gold prospecting based on the equipment used and establishes different requirements for each class.

LD 1453 An Act To Regulate Hydraulic Fracturing To Prevent Threats to Maine's Drinking Water

Accepted Majority (ONTP) Report

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

This bill requires the Department of Environmental Protection to provisionally adopt major substantive rules by December 31, 2017, regulating hydraulic fracturing in order to prevent threats to drinking water resources from hydraulic fracturing.

Committee Amendment "A" (H-212)

This amendment, which is the minority report of the committee, changes the title, removes the emergency preamble and clause and replaces the bill. It prohibits hydraulic fracturing in the State and prohibits the transportation of hydraulic fracturing wastewater, waste products or by-products into the State for the purpose of treatment, discharge, disposal or storage.

This amendment was not adopted.

Joint Standing Committee on Environment and Natural Resources

**LD 1473 An Act To Make Minor Changes and Corrections to Statutes
Administered by the Department of Environmental Protection**

PUBLIC 137

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

This bill clarifies the Department of Environmental Protection's right of inspection in reaction to recent litigation. It further clarifies the jurisdiction of the department and the Board of Environmental Protection in the laws regulating discharges into the waters of the State. It also clarifies the names of various bodies of water. The bill updates federal publication references and allows collector systems to be included in state grants for pollution abatement. It increases the limit on the alcohol volume allowed in hard cider in the beverage container laws.

Enacted Law Summary

Public Law 2017, chapter 137 clarifies the Department of Environmental Protection's right of inspection in reaction to recent litigation. It further clarifies the jurisdiction of the department and the Board of Environmental Protection in the laws regulating discharges into the waters of the State. It also clarifies the names of various bodies of water. The law updates federal publication references and allows collector systems to be included in state grants for pollution abatement. It increases the limit on the alcohol volume allowed in hard cider in the beverage container laws.

LD 1534 An Act To Address Hunger, Support Maine Farms and Reduce Waste

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C SAVIELLO T		

This bill creates the Maine food producers donation tax credit. The tax credit program allows food producers to apply for a tax credit equal to 50% of the fair market value of the donated food when they donate such food to a nonprofit food assistance organization or school. The Department of Administrative and Financial Services, Bureau of Revenue Services may not authorize more than \$150,000 in tax credits per fiscal year. The bill directs the bureau to adopt rules to implement the Maine food producers donation tax credit.

The bill also includes immunity from civil liability in regards to injury, illness or death due to the condition of the donated food for a charitable or nonprofit organization and its employees who distribute food without charge or at less than fair market value. The immunity also applies to a hospital or health care facility or eating establishment that donates food. The bill directs the Department of Health and Human Services to develop and publish a summary of liability protections for food donors and distributors of donated food.

The bill also creates the Maine Food Recovery Commission, consisting of 13 members, five of whom are Legislators. The commission must meet four times to review and evaluate the economic, environmental and human costs of food waste in Maine and assess current systems of food production, distribution and waste to determine where and how food is wasted in a manner inconsistent with Maine's food recovery hierarchy as well as to develop a strategy to address any inconsistencies with the food recover hierarchy. The commission is required to submit a report by December 6, 2017, to the Joint Standing Committee on Environment and Natural Resources with its findings and recommendations, including suggested legislation.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on Environment and Natural Resources

SUBJECT INDEX

Air Quality

Not Enacted

LD 577	An Act Regarding Zero-emissions Vehicles	ONTP
LD 1003	Resolve, To Require the State's Mitigation Plan under the Volkswagen Mitigation Trust Agreement To Include the Use of Maine-generated Nonfossil Fuel Sources	ONTP

Bottle Redemption Program

Enacted

LD 56	An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers	PUBLIC 140
LD 227	An Act To Exclude Cardboard Beverage Containers from the Laws Governing Returnable Beverage Containers	PUBLIC 10

Not Enacted

LD 683	An Act To Fund the Maine Solid Waste Diversion Grant Program and To Phase Out Certain Containers from the Bottle Redemption Laws	ONTP
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Coal Tar

Not Enacted

LD 1235	An Act Concerning Pavement Sealing Products	Majority (ONTP) Report
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Coastal Areas

Not Enacted

LD 469	An Act To Establish a Generally Applicable Regulatory Standard To Address Impacts of Sea Level Change and Increased Storm Surges	ONTP
LD 1095	An Act To Establish the Maine Coastal Risks and Hazards Commission	CARRIED OVER

Environmental Regulation

Enacted

LD 1473	An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection	PUBLIC 137
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Not Enacted

LD 399	An Act To Revise Maine's Environmental Laws	CARRIED OVER
LD 1194	Resolve, Establishing the Commission To Study and Assess Maine's Regulatory Environment	ONTP

Flame Retardants

Enacted

LD 182	An Act To Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals	PUBLIC 311
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Groundwater

Not Enacted

LD 930	An Act To Protect Maine Families by Enhancing Well Water Regulation	ONTP
LD 1453	An Act To Regulate Hydraulic Fracturing To Prevent Threats to Maine's Drinking Water	Majority (ONTP) Report

Hazardous Waste - Remediation

Enacted

LD 1258	An Act To Modernize the Voluntary Response Action Program Funding Process	PUBLIC 92
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Invasives

Not Enacted

LD 867	An Act To Mitigate the Spread of Invasive Milfoil in Wilson Stream	ONTP
LD 1178	An Act To Better Understand and Control Invasive Aquatic Plants and Nuisance Species	ONTP

Lakes

Not Enacted

LD 894	An Act To Increase Funding for the Youth Conservation Corps	ONTP
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Metallic Mineral Mining

Enacted

LD 820	An Act To Protect Maine's Clean Water and Taxpayers from Mining Pollution	PUBLIC 142
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Not Enacted

LD 160	An Act To Prohibit the Mining of Massive Sulfide Ore Deposits under the Maine Metallic Mineral Mining Act	Majority (ONTP) Report
LD 253	An Act To Repeal the Maine Metallic Mineral Mining Act	ONTP
LD 254	An Act To Implement a Moratorium on Metallic Mineral Mining	ONTP
LD 395	Resolve, Regarding Legislative Review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Major Substantive Rule of the Department of Environmental Protection	ONTP
LD 580	An Act To Modify the Mining Laws	ONTP
LD 685	An Act To Establish the Mining Advisory Panel	Majority (ONTP) Report

Natural Resources Protection Act

Not Enacted

LD 739	An Act To Improve Beach-cast Seaweed Management for Health, Ecology and Tourism	ONTP
LD 1040	An Act Regarding Permitting under the Natural Resources Protection Act	ONTP
LD 1350	An Act To Amend the Law Regarding Recreational Gold Prospecting	Majority (ONTP) Report

Oil/Fuel

Not Enacted

LD 450	An Act To Prevent Oil Spills in Casco Bay	ONTP
LD 452	An Act To Remove the Reformulated Gasoline Requirement	ONTP

Product Stewardship

Not Enacted

LD 349	An Act To Facilitate the Recycling of Discarded Mattresses	Veto Sustained
LD 375	An Act To Establish a Carpet Stewardship Program	ONTP
LD 385	An Act To Establish a Stewardship Program for Certain Rechargeable Batteries	ONTP
LD 931	An Act To Create Extended Producer Responsibility for Post-consumer Waste Generated from the Use of Tobacco Products	ONTP

Septage and Sewage

Not Enacted

LD 372	An Act To Protect Public Health through Septic Tank Inspections	ONTP
LD 559	An Act To Standardize the Law Concerning Property Transfers and To Protect Water Quality	Veto Sustained

Shoreland Zoning

Not Enacted

LD 400	An Act Regarding the Construction or Placement of Decks within the Shoreland Zone	Died Between Houses
LD 684	An Act To Increase Vegetative Buffers in the Shoreland Zone	ONTP
LD 1096	An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities	INDEF PP

Subdivisions

Enacted

LD 805	An Act To Streamline the Municipal Review Process When Dividing a Structure into 3 or More Dwelling Units and To Amend the Process for Recording Subdivision Variances	PUBLIC 104
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Not Enacted

LD 628	An Act To Amend the Municipal Subdivision Laws	Died Between Houses
LD 1081	An Act To Amend the Municipal Subdivision Laws Regarding the Exemption for Transfers to Owners of Abutting Land	ONTP
LD 1094	An Act To Amend the Laws Governing the Review of Subdivisions	ONTP

Waste

Not Enacted

LD 57	An Act To Reduce Waste by Promoting the Use of Reusable Bags and Recyclable Food Service Containers	Veto Sustained
LD 103	An Act To Prohibit the Use of Certain Disposable Food Service Containers	ONTP
LD 576	An Act To Amend the Laws Governing Funding for Landfill Closure Costs	Veto Sustained
LD 1534	An Act To Address Hunger, Support Maine Farms and Reduce Waste	CARRIED OVER

Waste Discharges

Enacted

LD 357	An Act To Increase Penalties for the Discharge of Sewage, Septic Fluids, Garbage, Sanitary Waste or Other Pollutants from Watercraft into Inland Waters	PUBLIC 49
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LD 604 An Act To Protect Maine's Lakes by Prohibiting the Discharge
of Waste from Watercraft ONTP

Wastewater

Not Enacted

LD 881 An Act To Increase Wastewater Management Responsibility
by Licensing Certain Municipal Sewage Collection Systems ONTP

Water Quality

Not Enacted

LD 1298 An Act To Update Maine's Water Quality Standards CARRIED OVER

Wind Power

Not Enacted

LD 901 An Act To Amend the Laws Governing the Determination of a
Wind Energy Development's Effect on the Scenic Character of
Maine's Special Places Veto Sustained

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES
AND TECHNOLOGY**

August 2017

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Joint Standing Committee on Energy, Utilities and Technology

LD 55 An Act To Provide Funding for the Restoration of China Lake

ONTP

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

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

This bill proposes to charge a fee to customers of the Kennebec Water District to be used to restore the water quality of China Lake. Under the bill, the fee would be charged on the use of water on a per gallon basis and would be for a limited number of years.

**LD 58 An Act To Limit Radio Frequency Interference from Certain Grow
Light Ballasts**

ONTP

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

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

This bill proposes to limit the use of any grow light ballast that does not comply with Federal Communications Commission rules and interferes with short-wave radio transmissions.

LD 90 An Act To Amend the Charter of the Rumford Water District

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L MADIGAN J	OTP-AM ONTP	S-54

This bill requires that all proposed commercial contracts of the Rumford Water District for water extraction or water resale be subject to a vote by the voters of the district. For the vote to be valid, the total number of votes cast must be at least 60% of the number of votes cast for Governor by the voters of the district at the last gubernatorial election.

Committee Amendment "A" (S-54)

This amendment is the majority report of the committee, and it strikes and replaces the bill. The amendment also removes the emergency status from the bill. It allows the trustees of the Rumford Water District to submit to the legal voters of the district the question of whether the charter for the district should be amended to require that the legal voters of the district elect trustees, instead of having trustees appointed by the municipal officers as the charter currently requires. This amendment specifies that if a referendum is called, it must be called, advertised and conducted according to the law relating to municipal elections. If the referendum is called and a majority of the legal voters vote to change the charter to allow for the election of district trustees, the amendment contains transition language that allows the currently serving appointed trustees to finish out their terms, and any unplanned vacancy is filled through the election process established in the Maine Revised Statutes, Title 35-A, section 6410, subsection 1.

Joint Standing Committee on Energy, Utilities and Technology

Senate Amendment "A" To Committee Amendment "A" (S-226)

This amendment allows the municipal officers of the Town of Rumford, instead of the board of trustees of the Rumford Water District, as in the committee amendment, to submit to the legal voters of the district the question of whether the charter for the district should be amended to require that the legal voters of the district elect trustees, instead of having trustees appointed by the municipal officers as the charter currently requires.

This amendment was not adopted.

LD 104 An Act To Change the Time and Location of the Annual Meeting of the Board of Trustees of the Kittery Water District P & S 1

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

This bill changes the annual meeting of the Kittery Water District to a time to be determined by the board of trustees and changes the meeting location from the selectmen's office to the office of the water district.

Enacted Law Summary

Private and Special Law 2017, chapter 1 changes the annual meeting of the Kittery Water District to a time to be determined by the board of trustees and changes the meeting location from the selectmen's office to the office of the water district.

LD 131 An Act To Protect the Biomass Industry CARRIED OVER

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

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

This bill proposes to amend the laws governing biomass facilities in order to help the biomass industry succeed.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 140 An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N BELLOWS S		

This bill, in Part A, authorizes a General Fund bond issue, in the amount of \$10,000,000, to be allocated to the Municipal Gigabit Broadband Network Access Fund and distributed by the ConnectME Authority through implementation grants in order to expand high-speed broadband Internet infrastructure in unserved and underserved

Joint Standing Committee on Energy, Utilities and Technology

areas.

Part B of the bill limits the use of the funds under Part A to implementation grants awarded from the Municipal Gigabit Broadband Network Access Fund and requires the grants to be expended on open-access nondiscriminatory broadband infrastructure in unserved or underserved areas.

Part C of the bill amends the laws establishing the Municipal Gigabit Broadband Network Access Fund to require planning grant applicants to plan for postconstruction operation and maintenance. Part C clarifies that a municipality may be eligible for ConnectME Authority implementation grant funds without relying on planning grant funds from the authority if the municipality meets certain statutory planning requirements. Part C also clarifies that municipally financed planning expenditures may be deducted from the 25% cash match requirement of the implementation grant. The changes made in Part C are contingent on the ratification of the bond issue in Part A by the voters of the State.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 229 An Act To Prohibit an Electric Utility from Charging a Customer for Died Between
Using an Electromechanical Meter Houses**

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

This bill prohibits a transmission and distribution utility from charging a customer a fee, monthly charge or higher rate for declining the installation of a wireless smart meter or for the removal of a wireless smart meter. A transmission and distribution utility is prohibited from including any costs associated with a customer's choosing an electromechanical meter in rates charged to that customer.

With approval by the Public Utilities Commission, an investor-owned transmission and distribution utility may decrease the number of times an electromechanical meter is read for a customer that declines the installation of a wireless smart meter but may not read the meter less frequently than once every 12 months and may establish a rate collection method that is based upon the average electricity consumption of the customer. If a transmission and distribution utility prefers a more frequent electromechanical meter reading, the utility may establish a method for a customer to provide the utility with a more frequent electromechanical meter reading, as long as the method does not impose a cost on the customer.

This bill requires the utility to establish a process by which the utility provides a refund to a customer if a billing based on average usage results in an overpayment by a customer and an appropriate rebilling of a customer if such a billing results in an underpayment by the customer.

Committee Amendment "A" (S-176)

This amendment is the minority report of the committee and replaces the bill. It requires the Public Utilities Commission to quantify the costs and benefits of advanced metering infrastructure from the initial purchase and deployment to the effective date of the resolve. It requires the commission to identify barriers to achieving benefits of advanced metering infrastructure and to propose solutions to realize benefits such as reducing costs and advancing state policy. It also requires the commission to consider providing a discount to customers that use advanced metering infrastructure instead of an electromechanical meter, rather than charging a fee to those customers that decline the installation of advanced metering infrastructure. The commission is directed to submit a report, including recommendations, to the Joint Standing Committee on Energy, Utilities and Technology by January 30, 2018.

Joint Standing Committee on Energy, Utilities and Technology

This amendment was not adopted.

LD 240 An Act To Increase Transparency in Maine's Electricity Market ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J WADSWORTH N	ONTP	

This bill prohibits a competitive electricity provider from continuing generation service to a consumer beyond 12 months without annual express consent from the consumer.

LD 255 An Act To Implement Electric Grid Reliability Recommendations ONTP

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

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

This bill proposes directing the Public Utilities Commission to pursue the four recommendations made by Emprimus LLC of Minneapolis, MN in Emprimus LLC's report to the Public Utilities Commission filed January 6, 2015, Docket Number 2013-00145, regarding the effect of geomagnetic disturbances and electromagnetic pulses on the State's electric grid. These recommendations include:

1. Pursuing neutral blocking in the 18 transformers of the State's electric grid with the highest geo-electric-induced currents;
2. Installing electromagnetic pulse and intentional electromagnetic interference detectors at key substations on the State's electric grid;
3. Installing electromagnetic pulse and intentional electromagnetic interference protective cabinets at key substations on the State's electric grid; and
4. Monitoring the costs and benefits derived from protection of the State's electric system from harmful effects of geomagnetic disturbances and support the cost recovery of supplemental reliability improvements to Central Maine Power's Maine Power Reliability Program.

LD 256 An Act To Ensure Continued Availability of High-speed Broadband PUBLIC 244
Internet at Maine's Schools and Libraries

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M MAKER J	OTP-AM OTP-AM	H-189

This bill changes the limit on the amount of the fee on prepaid wireless telecommunications service collected by the Public Utilities Commission from a percentage to a flat amount. This bill also requires the Public Utilities Commission to convene a stakeholder group to evaluate and provide recommendations regarding the method of collection of funds to support telecommunications access at libraries and public schools. The commission is required to report to the Joint Standing Committee on Energy, Utilities and Technology by January 30, 2018, and

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the committee is authorized to submit a bill based on the report.

Committee Amendment "A" (H-189)

This amendment is the majority report of the committee, and it replaces the bill. It caps the prepaid wireless telecommunications service fee that is contributed to the telecommunications education access fund at 21¢ per retail transaction and caps the fee levied on voice network service providers other than prepaid wireless telecommunications service providers to no more than 21¢ per month per line or number, assessed as a monthly surcharge. The amendment requires the Department of Education and the Maine State Library to jointly submit a report by January 15, 2018, to the Joint Standing Committee on Energy, Utilities and Technology that includes detailed information on how the telecommunications education access fund is used. Lastly, this amendment specifies that, notwithstanding the current prohibition under the Maine Revised Statutes, Title 35-A, section 7104-B, subsection 2-A on the Public Utilities Commission's adjusting the prepaid wireless telecommunications service fee more than once every 24 months, the commission is required to adjust the prepaid wireless telecommunications service fee to conform to the change made by this amendment.

Committee Amendment "B" (H-190)

This amendment is the minority report of the committee, and it replaces the bill. It provides a one-time appropriation to the Maine State Library to support the Maine School and Library Network, a service of Networkmaine within the University of Maine System. It also directs the Maine State Library to convene a stakeholder group to look at alternatives to funding the Maine School and Library Network that do not involve surcharges or fees. This amendment requires the stakeholder group to submit a report of its findings to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2018.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 244 caps the prepaid wireless telecommunications service fee that is contributed to the telecommunications education access fund at 21¢ per retail transaction and caps the fee levied on voice network service providers other than prepaid wireless telecommunications service providers to no more than 21¢ per month per line or number, assessed as a monthly surcharge. This law requires the Department of Education and the Maine State Library to jointly submit a report by January 15, 2018, to the Joint Standing Committee on Energy, Utilities and Technology that includes detailed information on how the telecommunications education access fund is used. Lastly, this law specifies that, notwithstanding the current prohibition under the Maine Revised Statutes, Title 35-A, section 7104-B, subsection 2-A on the Public Utilities Commission's adjusting the prepaid wireless telecommunications service fee more than once every 24 months, the commission is required to adjust the prepaid wireless telecommunications service fee to conform to the change made by this law.

LD 257 An Act To Enable Municipalities Working with Utilities To Establish Microgrids CARRIED OVER

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

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

This bill proposes to establish measures to allow municipalities, working cooperatively with electrical utilities, to create microgrids, which are electricity distribution systems consisting of distributed energy sources, including demand management, storage and generation and loads capable of operating in parallel with, or independently from, the main power grid. This bill would address the following requirements:

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1. The generation of electricity from renewable sources into the microgrid;
2. Methods for adding capacity for storage and managing or enabling a utility to manage the charging of the microgrid and the use of the stored power;
3. An appropriate rate for power generation and stored power usage;
4. A credit applicable toward municipal electricity utilization or assignable to organizations or households according to municipal public service decisions; and
5. Contracts with utilities to receive compensation for scheduling or shedding of electrical load in order to lower peak demand and consequently ratepayer prices.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 258 An Act To Amend the Charter of the Southwest Harbor Water and Sewer District

P & S 4

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W LANGLEY B	OTP-AM	H-15

This bill increases from three to five the number of trustees of the Southwest Harbor Water and Sewer District.

Committee Amendment "A" (H-15)

This amendment requires the board of selectmen for the Town of Southwest Harbor to stagger the terms of the two new appointed trustees to the board of trustees for the Southwest Harbor Water and Sewer District. It requires one trustee to serve for a term of one year and one trustee to serve for a term of two years.

Enacted Law Summary

Private and Special Law 2017, chapter 4 increases from three to five the number of trustees of the Southwest Harbor Water and Sewer District and requires the board of selectmen for the Town of Southwest Harbor to stagger the terms of the two new appointed trustees by having one trustees serve for a term of one year and one trustee to serve for a term of two years.

LD 259 An Act To Limit Rates Charged by Competitive Electricity Providers

ONTP

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

This bill prohibits a competitive electricity provider from charging a residential consumer a rate for generation service that is higher than the rate charged for standard-offer service.

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LD 260 An Act To Create the Maine Energy Office

CARRIED OVER

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

This bill:

1. Renames the Governor's Energy Office the Maine Energy Office. It repeals the language in the Maine Revised Statutes, Title 2 that establishes the office and establishes it instead in Title 35-A, expands the headnote for Title 35-A and places the office under the control and supervision of a commissioner, rather than a director;
2. Establishes in the Maine Energy Office a position of deputy commissioner, to be appointed by the Governor, subject to confirmation by the Senate; and
3. Specifies that an amount equal to \$300,000 from the Efficiency Maine Trust must be transferred annually to the Maine Energy Office.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 344 An Act To Provide Opportunity for Energy Cost Reduction for Maine Businesses and Citizens

PUBLIC 22

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M	OTP-AM	S-16

This bill extends the expiration date for the execution of an energy cost reduction contract from December 31, 2018, to December 31, 2020.

Committee Amendment "A" (S-16)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2017, chapter 22 extends the expiration date for the execution of an energy cost reduction contract from December 31, 2018 to December 31, 2020.

LD 405 An Act To Make Changes to the So-called Dig Safe Law

ONTP

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

This bill specifies that liquefied propane gas distribution systems that have a cumulative tank capacity of over 2,000 gallons are subject to the so-called Dig Safe Law.

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**LD 406 An Act To Amend the Law Regarding Joint Use of Certain Utility and
Telecommunications Infrastructure**

PUBLIC 199

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	OTP-AM	S-177

This bill makes the following changes to the laws governing joint use of equipment regulated by the Public Utilities Commission.

1. It changes the conditions under which the commission may order joint use of equipment by eliminating the requirement that a hearing be held upon the commission's motion or that a complaint be filed by an affected entity before the commission may order joint use of equipment. It also eliminates the requirement that the commission find that the parties have failed to agree on the terms and conditions or compensation for the joint use of equipment before the commission may enter an order.
2. It adds unlit fiber providers, telecommunications service providers and information service providers to the list of entities that may be subject to an order for joint use of equipment.
3. It expands the types of subscribers whose interests must be taken into account by the commission when taking actions or issuing orders related to joint use of equipment.
4. It requires the commission to adopt rules governing joint use of equipment.

Committee Amendment "A" (S-177)

This amendment replaces the bill. Like the bill, it adds unlit fiber providers, telecommunications service providers and information service providers to the list of entities that may be subject to an order for joint use of equipment. It defines the term "joint use entity" and requires that the interests of customers of a joint use entity be considered in any order or actions taken by the Public Utilities Commission. It requires that a joint use entity seeking access to the poles, ducts, conduits or rights-of-way owned or controlled by another joint use entity have the technical and financial capabilities to fulfill its obligations related to such joint use and that the Public Utilities Commission develop a process to ensure this through its rules. It requires that rules adopted by the Public Utilities Commission promote competition, further the state broadband policy and ensure safe, nondiscriminatory access on just and reasonable terms. It requires that the Public Utilities Commission amend its rules by January 15, 2018, to address the terms and conditions of joint use. It provides that the jurisdiction of the Public Utilities Commission over joint use entities not otherwise under its jurisdiction is only for limited purposes, and it makes changes to the Maine Revised Statutes, Title 35-A, sections 2301 and 2501 for consistency with those provisions.

Enacted Law Summary

Public Law 2017, chapter 199 adds unlit fiber providers, telecommunications service providers and information service providers to the list of entities that may be subject to an order for joint use of equipment. It defines the term "joint use entity" and requires that the interests of customers of a joint use entity be considered in any order or actions taken by the Public Utilities Commission. It requires that a joint use entity seeking access to the poles, ducts, conduits or rights-of-way owned or controlled by another joint use entity have the technical and financial capabilities to fulfill its obligations related to such joint use and that the Public Utilities Commission develop a process to ensure this through its rules. It requires that rules adopted by the Public Utilities Commission promote competition, further the state broadband policy and ensure safe, nondiscriminatory access on just and reasonable terms. It requires that the Public Utilities Commission amend its rules by January 15, 2018, to address the terms and conditions of joint use. It provides that the jurisdiction of the Public Utilities Commission over joint use entities not otherwise under its jurisdiction is only for limited purposes, and it makes changes to the Maine Revised

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Statutes, Title 35-A, sections 2301 and 2501 for consistency with those provisions.

LD 421 An Act To Promote Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet ONTP

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

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

This bill proposes to increase funding to the ConnectME Authority from \$1,000,000 to \$5,000,000 to expand universal broadband and high-speed Internet into rural areas identified as the 6% of the State unserved by high-speed Internet. This bill proposes to make expanding high-speed Internet into unserved rural areas a key emphasis in the economic development of the state and to multiply the return to the State by directing the ConnectME Authority to use the increased funding to increase the rate of strategic broadband investment and leverage additional federal funding to provide middle-mile and last-mile infrastructure in the unserved areas and to correct broadband deficiencies identified in the ConnectME Authority's baseline update of 2013.

LD 422 An Act To Create the Water Resources Planning Committee Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M CARSON B	OTP-AM ONTP	H-94

This bill imposes a two-year moratorium, beginning November 1, 2017, on new contracts or agreements by a consumer-owned water utility, municipality, state agency or other governmental entity involving the extraction of more than 75,000 gallons of groundwater during any week or more than 50,000 gallons of groundwater on any day. The bill also directs the Commissioner of Environmental Protection to convene a working group to develop the statutory and regulatory framework for the establishment of the Maine Water Trust, which must be designed to ensure a safe and plentiful drinking water supply to all residents of the State by regulating the use of groundwater for commercial purposes under laws that establish the absolute control and dominion of the State over all groundwater supplies in the State. The commissioner must, on or before January 15, 2019, report the recommendations of the working group to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which may report out a bill to implement those recommendations to the First Regular Session of the 129th Legislature.

Committee Amendment "A" (H-94)

This amendment is the majority report of the committee and it replaces the bill and changes the title. The amendment requires the Department of Agriculture, Conservation and Forestry to convene the Water Resources Planning Committee. The amendment describes requirements related to committee membership, meetings and reporting. It details three phases on which the committee is required to focus effort. It also requires the committee to conduct an annual review of state policy in regard to water resources, provide guidance to municipalities and develop and disseminate educational materials on water resources and the regulatory regime.

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LD 423 An Act To Extend Internet Availability in Rural Maine

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MAKER J	OTP-AM ONTP	H-17 H-19 BERRY S

This bill provides one-time funding to extend for two years a program that provides mobile wireless hot spot devices to libraries in Washington County.

Committee Amendment "A" (H-17)

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

House Amendment "A" (H-19)

This amendment removes the emergency preamble and emergency clause and provides the funding in fiscal year 2017-18.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

**LD 461 Resolve, Regarding Legislative Review of Chapter 220: Removal of
Provider of Last Resort Service Obligation, a Major Substantive Rule of
the Public Utilities Commission**

**RESOLVE 4
EMERGENCY**

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

This resolve provides for legislative review of Chapter 220: Removal of Provider of Last Resort Service Obligation, a major substantive rule of the Public Utilities Commission.

Enacted Law Summary

Resolve 2017, chapter 4 authorizes final adoption of Chapter 220: Removal of Provider of Last Resort Service Obligation, a major substantive rule of the Public Utilities Commission.

Resolve 2017, chapter 4 was finally passed as an emergency measure effective April 11, 2017.

**LD 474 An Act To Allow a Public Safety Answering Point To Be Reimbursed for
Training Costs**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILLINGHAM K HAMPER J	ONTP	

This bill provides for the reimbursement, in full or in part, of a public safety answering point's training costs for a dispatcher who finds employment at another public safety answering point within five years of completion of training by the Emergency Services Communication Bureau within the Public Utilities Commission.

Joint Standing Committee on Energy, Utilities and Technology

LD 529 An Act To Ensure Resiliency of the Maine Electrical Grid

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D MIRAMANT D	OTP-AM ONTP	H-45

This bill gives the Public Utilities Commission the authority to require transmission and distribution utilities to take necessary actions to ensure that their systems are protected from or able to negate effects of geomagnetic disturbances and electromagnetic pulses. This bill provides that any costs incurred by a transmission and distribution utility as a result of a directive by the commission are just and reasonable for rate-making purposes; however, the costs of a failure of a transmission and distribution system resulting from geomagnetic disturbances or electromagnetic pulses are the responsibility of the transmission and distribution utility.

The bill also directs the Public Utilities Commission, by July 1, 2018, to direct transmission and distribution utilities to undertake mitigation measures, including but not limited to the installation of additional geomagnetically induced current monitoring sites, neutral current blocking devices and supervisory control and data acquisition system protectors and the holding of sufficient spare transformers on site to more quickly replace damaged transformers. Identified measures were included in the Public Utilities Commission report dated January 20, 2014, entitled, "Report to the Legislature Pursuant to Resolves 2013, Chapter 45, Regarding Geomagnetic Disturbances (GMD) and Electromagnetic Pulse (EMP)."

Committee Amendment "A" (H-45)

This amendment is the majority report of the committee and it strikes and replaces the bill. It requires an investor-owned transmission and distribution utility to report to the Public Utilities Commission annually on its activities regarding protection from geomagnetic disturbances and electromagnetic pulse. It also requires an investor-owned transmission and distribution utility to include in its report neutral direct current monitoring information from autotransformers where monitoring equipment is installed, collected by the investor-owned transmission and distribution utility. This amendment requires that the commission compile the information it receives and submit it as part of its annual report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

LD 532 An Act To Remove the 100-megawatt Limit on Hydroelectric Generators under the Renewable Resources Laws

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B		

This bill removes the 100-megawatt maximum capacity limit for a hydroelectric generator that meets all state and federal fish passage requirements applicable to generators to qualify as a renewable capacity resource and for a hydroelectric generator to qualify as a renewable resource for the purpose of meeting the State's renewable resource portfolio requirement.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 686 An Act To Remove Restrictions on the Membership of Regional Water Councils

PUBLIC 58

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M BELLOWS S	OTP-AM	H-75

This bill amends the laws regarding the authorization of regional water councils to remove the provision restricting membership to water utilities.

Committee Amendment "A" (H-75)

This amendment strikes and replaces the bill. It defines "water-related entity" as a water utility or a municipal or quasi-municipal entity owning, controlling, operating or managing sewer, sanitary or storm water works. It allows for a water-related entity to be a member of a regional water council and requires that one of the members of a regional water council be a water utility. It requires that a regional water council provide a statement of its financial activities to the member water-related entities and requires that the statement must also be filed with the Public Utilities Commission and the drinking water program of the Department of Health and Human Services.

Enacted Law Summary

Public Law 2017, chapter 58 allows a water-related entity to be a member of a regional water council and requires that one of the members of a regional water council be a water utility. It requires that a regional water council provide a statement of its financial activities to the member water-related entities and requires that the statement must also be filed with the Public Utilities Commission and the drinking water program of the Department of Health and Human Services.

LD 754 An Act To Repeal or Clean Up Outdated Telecommunications Statutes

PUBLIC 73

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S WOODSOME D	OTP-AM	H-95

This bill updates the law regarding interstate and intrastate telecommunications access rates. The bill also repeals obsolete provisions of law requiring persons providing intrastate interexchange service to reduce their intrastate long-distance rates in the absence of effective competition, prohibiting mandatory local measured telephone service, prohibiting the Public Utilities Commission from requiring a local exchange carrier to consider competitive bids on the construction of an interexchange facility, prohibiting a telephone utility offering intrastate toll service from increasing prices without filing a tariff revision with the commission and providing subscribers written notice and prohibiting a provider of prepaid calling service from increasing rates on already purchased service and requiring notice to prepaid calling service consumers about differences between in-state and interstate service rates.

Committee Amendment "A" (H-95)

This amendment retains the provisions of the bill and does the following.

1. It specifies that the valuation of property for fixing rates does not apply to price cap incumbent local exchange carriers, as those rates are set in the Maine Revised Statutes, Title 35-A;
2. It changes language in the bill as it relates to access rates;
3. It repeals the provision of law related to customer premise wire; and

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4. It limits a requirement in current law for provider of last resort service providers to offer telephone directories in an electronic format or as a printout of an electronic database to apply only to those provider of last resort service providers that discontinue publishing a hard-copy directory.

Enacted Law Summary

Public Law 2017, chapter 73 does the following.

1. It updates the law regarding interstate and intrastate telecommunications access rates;
2. It repeals obsolete provisions of law requiring persons providing intrastate interexchange service to reduce their intrastate long-distance rates in the absence of effective competition, prohibiting mandatory local measured telephone service, prohibiting the Public Utilities Commission from requiring a local exchange carrier to consider competitive bids on the construction of an interexchange facility, prohibiting a telephone utility offering intrastate toll service from increasing prices without filing a tariff revision with the commission and providing subscribers written notice, prohibiting a provider of prepaid calling service from increasing rates on already purchased service and requiring notice to prepaid calling service consumers about differences between in-state and interstate service rates, and relating to customerpremise wire;
3. It specifies that the valuation of property for fixing rates does not apply to price cap incumbent local exchange carriers, as those rates are set in the Maine Revised Statutes, Title 35-A; and
4. It limits a requirement in current law for provider of last resort service providers to offer telephone directories in an electronic format or as a printout of an electronic database to apply only to those provider of last resort service providers that discontinue publishing a hard-copy directory.

LD 755	An Act To Amend the Law Regarding Nontransmission Alternatives Investigations Required for Proposed Transmission Lines and Projects	PUBLIC 201
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S WOODSOME D	OTP-AM	H-424

This bill changes the timing of the nontransmission alternatives investigation required for proposed transmission line projects. The bill requires the investigation to be done during the course of the proceeding to consider the petition for approval of a proposed transmission line instead of being done prior to filing that petition.

Committee Amendment "A" (H-424)

This amendment does the following.

1. It extends from six months to nine months the time the Public Utilities Commission has to issue an order for a petition for the approval of a proposed line;
2. It changes the timing of a nontransmission alternatives investigation required for proposed transmission projects by requiring the investigation be completed during the course of the proceeding to consider the petition for an approval of a proposed transmission project instead of being done prior to filing that petition; and
3. It requires the Public Utilities Commission to issue an order in an adjudicatory proceeding regarding the investigation into the designation of a nontransmission alternatives coordinator and submit a report to the Joint Standing Committee on Energy, Utilities and Technology by January 1, 2018 on the outcome of that proceeding.

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Enacted Law Summary

Public Law 2017, chapter 201 does the following.

1. It extends from six months to nine months the time the Public Utilities Commission has to issue an order for a petition for the approval of a proposed line;
2. It changes the timing of a nontransmission alternatives investigation required for proposed transmission lines or projects by requiring the investigation be completed during the course of the proceeding to consider the petition for an approval of a proposed transmission line or project instead of being done prior to filing that petition; and
3. It requires the Public Utilities Commission to issue an order in an adjudicatory proceeding regarding the investigation into the designation of a nontransmission alternatives coordinator and submit a report to the Joint Standing Committee on Energy, Utilities and Technology by January 1, 2018 on the outcome of that proceeding.

LD 756 An Act To Clarify the Authority of an Affiliate of a Utility To Own PUBLIC 287
Power Generation outside of the Utility's Territory

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL L KEIM L	OTP-AM	H-314 S-220 WOODSOME D

This bill authorizes an affiliate of an investor-owned transmission and distribution utility to own generation or generation-related assets unless the assets are interconnected to the transmission or distribution facilities that are owned or operated by the utility or the affiliate is a wholly owned or partially owned subsidiary of the utility.

Committee Amendment "A" (H-314)

This amendment replaces the bill. It allows an affiliate of an investor-owned transmission and distribution utility to own generation or generation-related assets in accordance with standards of conduct adopted by the Public Utilities Commission, unless the generation or generation-related assets are directly interconnected to the facilities owned or operated by that investor-owned transmission and distribution utility. It directs the Public Utilities Commission to adopt major substantive rules that establish standards of conduct governing the relationship between an investor-owned transmission and distribution utility and an affiliate that ensure the separation and independence of the affiliate and protects ratepayers.

The amendment allows an affiliate of an investor-owned transmission and distribution utility that owns generation or generation-related assets that are not directly interconnected to the facilities owned or operated by that investor-owned transmission or distribution utility to continue to own those generation or generation-related assets. Upon adoption of rules by the Public Utilities Commission, the affiliate is subject to the standards of conduct adopted by the commission.

Senate Amendment "A" To Committee Amendment "A" (S-220)

This amendment provides that any affiliate generation or generation-related assets that are permitted under the bill but do not have a long-term contract or term sheet approved by the Public Utilities Commission as of July 1, 2017 are ineligible to participate in a long-term contract under the Maine Revised Statutes, Title 35-A.

Enacted Law Summary

Public Law 2017, chapter 287 allows an affiliate of an investor-owned transmission and distribution utility to own generation or generation-related assets in accordance with standards of conduct adopted by the Public Utilities Commission, unless the generation or generation-related assets are directly interconnected to the facilities owned or operated by that investor-owned transmission and distribution utility. It directs the Public Utilities Commission to

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adopt major substantive rules that establish standards of conduct governing the relationship between an investor-owned transmission and distribution utility and an affiliate that ensure the separation and independence of the affiliate and protects ratepayers.

This law provides that any affiliate generation or generation-related assets that are permitted under the bill but do not have a long-term contract or term sheet approved by the Public Utilities Commission as of July 1, 2017 are ineligible to participate in a long-term contract under the Maine Revised Statutes, Title 35-A.

Lastly, this law allows an affiliate of an investor-owned transmission and distribution utility that owns generation or generation-related assets that are not directly interconnected to the facilities owned or operated by that investor-owned transmission or distribution utility to continue to own those generation or generation-related assets, but will subject to the standards of conduct upon adoption of rules by the Public Utilities Commission.

LD 757 An Act To Amend the Charter of the Richmond Utilities District

P & S 7

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE J	OTP-AM	H-115

This bill amends the charter of the Richmond Utilities District to remove the cap on the district's total indebtedness and to update obsolete language and references.

Committee Amendment "A" (H-115)

This amendment adds to the bill a change to the notice requirement for proposed financing of costs greater than \$30,000 from seven days to fourteen days and requires that notice be provided in a newspaper or newsletter having a general circulation in the Town of Richmond and be mailed to district voters and customers via postcard or bill insert instead of in only a newspaper. The amendment also removes a section of the Richmond Utilities District charter that allows the trustees to propose a different debt limit than in the charter and submit that proposal for districtwide approval in a referendum because the bill removes the cap on indebtedness of the district.

Enacted Law Summary

Private and Special Law 2017, chapter 7 amends the charter of the Richmond Utilities District to remove the cap on the district's total indebtedness and to update obsolete language and references. This law also changes the notice requirement for proposed financing of costs greater than \$30,000 from seven days to fourteen days and requires that notice be provided in a newspaper or newsletter having a general circulation in the Town of Richmond and be mailed to district voters and customers via postcard or bill insert instead of being provided only in a newspaper. This law also removes a section of the Richmond Utilities District charter that allows the trustees to propose a different debt limit than in the charter and submit that proposal for districtwide approval in a referendum because the cap on indebtedness of the district is removed by the passage of this law.

LD 759 An Act To Clarify the Financial Authority of Sewer and Sanitary Districts

PUBLIC 151

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B WOODSOME D	OTP-AM	H-343

This bill clarifies the authority of sewer districts and sanitary districts to administer financial resources. It allows sewer districts and sanitary districts to invest their funds in the same way as municipalities. It clarifies that sewer districts have full authority to collect rates and fees.

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Committee Amendment "A" (H-343)

This amendment instead of simply stating that a sewer or sanitary district may invest its funds to the same extent as a municipality, includes the applicable provisions from the Maine Revised Statutes, Title 30-A, chapter 223, subchapter 3-A in the statutes governing sewer and sanitary districts.

Enacted Law Summary

Public Law 2017, chapter 151 clarifies the authority of sewer districts and sanitary districts to administer financial resources. It allows sewer districts and sanitary districts to invest their funds in a similar manner as municipalities. It clarifies that sewer districts have full authority to collect rates and fees.

LD 802 An Act To Strengthen the Independence of the Public Advocate ONTP

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

This bill establishes the Public Advocate Advisory Board. The board consists of three members, one appointed by the Governor, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. The board appoints the Public Advocate to a six-year term, subject to confirmation by the Legislature, and provides policy guidance to the Public Advocate. The Public Advocate's first six-year term begins February 1, 2018.

LD 803 An Act To Improve Transparency in the Electricity Supply Market PUBLIC 74

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N HIGGINS N	OTP-AM	S-49

This bill:

1. Makes the following changes to protect consumers that choose generation service through a competitive electricity provider:
 - A. It requires the competitive electricity provider to disclose to the consumer if the rate of generation service is higher than the standard-offer service rate;
 - B. It requires the competitive electricity provider to send a renewal notice to the consumer for generation service by certified mail, return receipt requested; and
 - C. It prohibits the competitive electricity provider from renewing a contract for generation service without express consent from the consumer;
2. Requires that the monthly utility bill for a consumer that elects to receive generation service from a competitive electricity provider contain the following:
 - A. The rate for generation service charged by the competitive electricity provider displayed along with the standard-offer service rate; and

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B. The expiration date of the consumer's contract with the competitive electricity provider for generation service; and

3. Requires the Public Utilities Commission, in consultation with the Public Advocate, to determine if consumers paid more for generation service purchased from competitive electricity providers instead of through standard-offer service and if so by how much and to submit its findings to the Joint Standing Committee on Energy, Utilities and Technology.

Committee Amendment "A" (S-49)

This amendment replaces the bill. This amendment:

1. Makes the following changes to consumer protections for residential consumers that choose generation service through a competitive electricity provider:

A. It requires the competitive electricity provider to disclose to the consumer where the consumer can obtain information to compare the service provided by the provider with standard-offer service;

B. It prohibits the competitive electricity provider from renewing a contract for generation service if it fails to provide that consumer with a notice of renewal in advance by mail;

C. It requires that, if a competitive electricity provider renews a contract for generation service at a fixed rate that is 20% or more above the contract rate in the expiring contract without express consent, the consumer must be transferred to standard-offer service;

D. It requires that, if a competitive electricity provider renews a contract for generation service for a term that is longer than the term of the expiring contract or 12 months, whichever is shorter, without express consent, the consumer must be transferred to standard-offer service; and

E. It prohibits a competitive electricity provider from imposing an early termination fee for a contract that was renewed without express consent;

2. Requires that the monthly utility bill for a residential consumer that elects to receive generation service from a competitive electricity provider contain the following:

A. A website address or other resource where a consumer can obtain information, as determined by the Public Utilities Commission, that provides independent information that allows residential consumers to compare terms, conditions and rates of electricity supply; and

B. A statement that directs the consumer to the competitive electricity provider for more information on the consumer's contract and that provides the telephone number of the competitive electricity provider; and

3. Requires the commission in consultation with the Public Advocate to determine the difference in price, if any, residential consumers paid for generation service by purchasing from a competitive electricity provider instead of receiving standard-offer service between 2014 and 2016; where possible, state if and how the product purchased by the consumer differed from the standard-offer service; and submit its findings to the Joint Standing Committee on Energy, Utilities and Technology by February 15, 2018.

Enacted Law Summary

Public Law 2017, chapter 74:

1. Makes the following changes to consumer protections for residential consumers that choose generation service through a competitive electricity provider:

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- A. It requires the competitive electricity provider to disclose to the consumer where the consumer can obtain information to compare the service provided by the provider with standard-offer service;
 - B. It prohibits the competitive electricity provider from renewing a contract for generation service if it fails to provide that consumer with a notice of renewal in advance by mail;
 - C. It requires that, if a competitive electricity provider renews a contract for generation service at a fixed rate that is 20% or more above the contract rate in the expiring contract without express consent, the consumer must be transferred to standard-offer service;
 - D. It requires that, if a competitive electricity provider renews a contract for generation service for a term that is longer than the term of the expiring contract or 12 months, whichever is shorter, without express consent, the consumer must be transferred to standard-offer service; and
 - E. It prohibits a competitive electricity provider from imposing an early termination fee for a contract that was renewed without express consent;
2. Requires that the monthly utility bill for a residential consumer that elects to receive generation service from a competitive electricity provider contain the following:
- A. A website address or other resource where a consumer can obtain information, as determined by the Public Utilities Commission, that provides independent information that allows residential consumers to compare terms, conditions and rates of electricity supply; and
 - B. A statement that directs the consumer to the competitive electricity provider for more information on the consumer's contract and that provides the telephone number of the competitive electricity provider; and
3. Requires the commission in consultation with the Public Advocate to determine the difference in price, if any, residential consumers paid for generation service by purchasing from a competitive electricity provider instead of receiving standard-offer service between 2014 and 2016; where possible, state if and how the product purchased by the consumer differed from the standard-offer service; and submit its findings to the Joint Standing Committee on Energy, Utilities and Technology by February 15, 2018.

LD 822 An Act To Ensure Fairness among Large Consumers of Natural Gas

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M HARVELL L		

This bill extends the existing ineligibility for participation in and the exemption from assessment for natural gas conservation programs to large-volume customers that do not purchase their natural gas from a Maine gas utility. Large-volume customers are defined as those purchasing at least 1,000,000 centum cubic feet of natural gas per year.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 825 An Act To Ensure Direct Dialing of 911 from Multiline Telephone Systems

PUBLIC 48

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	OTP	

This bill requires that any public or private entity that installs or operates a multiline telephone system ensures that the system is connected to the public switched telephone network in such a way that an individual dialing 911 is connected to the public safety answering point without requiring the individual to first dial any other number or set of numbers.

Enacted Law Summary

Public Law 2017, chapter 48 requires that any public or private entity that installs or operates a multiline telephone system ensures that the system is connected to the public switched telephone network in such a way that an individual dialing 911 is connected to the public safety answering point without requiring the individual to first dial any other number or set of numbers.

LD 1061 An Act To Increase Investment and Regulatory Stability in the Electric Industry

PUBLIC 134

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE J SAVIELLO T	OTP-AM	H-173

This bill does the following.

1. It specifies that the Public Utilities Commission can direct investor-owned transmission and distribution utilities to enter into long-term contracts for the regional procurement of transmission infrastructure, capacity resources, energy or renewable energy credits;
2. It requires the commission to report annually to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters on the procurement of capacity resources, energy and renewable energy credits from the previous 12-months and if and how that procurement was consistent with the State’s goals for greenhouse gas reduction. The report must also include:
 - A. The number of requests for proposals;
 - B. The number of executed term sheets or contracts resulting from the requests for proposals;
 - C. The number of megawatts produced through contracts; and
 - D. A plan for the succeeding 12 months pertaining to the procurement of capacity resources, energy and renewable energy credits, which include dates for requests for proposals, types of resources and the anticipated date of executions of contracts;
3. It adds a rulemaking section to the Maine Wind Energy Act and requires those rules to be major substantive;
4. It adds a rulemaking section to the chapter of law that deals with the expedited permitting of grid-scale wind energy development as it relates to the determination of effect on scenic character and related existing uses and

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requires those rules to major substantive;

5. It changes the rulemaking from routine technical to major substantive in the chapter of law that deals with the expedited permitting of grid-scale wind energy development as it relates to scenic viewpoint and scenic inventory; and

6. It requires the Department of Environment Protection to convene a stakeholder group regarding the effect of expedited wind energy development on scenic character and existing uses and provides that the group may issue a report of its finding, including recommended legislation to this committee.

Committee Amendment "A" (H-173)

This amendment replaces the bill. It removes from the bill the provisions of sections 3 through 6 and retains the provisions of section 1. This amendment also removes language from the provisions of section 2 of the bill regarding the State's goals for greenhouse gas reduction as it relates to an annual report from the Public Utilities Commission to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters. This amendment also adds to that annual report reporting requirements for the Public Utilities Commission, including information regarding the Community-based Renewable Energy Act and deep-water offshore wind energy pilot projects.

Enacted Law Summary

Public Law 2017, chapter 134 does the following.

1. It specifies that the Public Utilities Commission can direct investor-owned transmission and distribution utilities to enter into long-term contracts for capacity, capacity resources, energy or renewable energy credits pursuant to a regional procurement process in conjunction with other states; and
2. It requires the commission to report annually to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters on the procurement of transmission capacity, capacity resources, energy and renewable energy credits from the previous 12-months under Maine Revised Statutes, Title 35-A, section 3210-C, subsection 3, Maine Revised Statutes, Title 35-A, chapter 36 and Public Law 2009, chapter 615, Part A, section 6, as amended by Public Law 2013, chapter 369, Part H, sections 1 and 2 and chapter 378, sections 4 to 6. The report must also include:
 - A. The number of requests for proposals;
 - B. The number of executed term sheets or contracts resulting from the requests for proposals;
 - C. The number of megawatts produced through contracts;
 - D. A plan for the succeeding 12 months pertaining to the procurement of capacity resources, energy and renewable energy credits, which include dates for requests for proposals, types of resources and the anticipated date of executions of contracts; and
 - E. Estimates of ratepayer costs or savings associated with any approved term sheet, actual ratepayers costs or savings for the previous year associated with any procurements, and total ratepayer costs or savings at the time of the report.

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**LD 1062 Resolve, To Expand the Availability of Light-duty Zero Emission Vehicle
Supply Equipment**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D MIRAMANT D	OTP-AM	H-320

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

This bill proposes to establish a program to support the installation throughout the State of publicly accessible universally compatible electric vehicle charging stations. Under the program:

1. An entity doing business in the State would be able to apply for a grant to be used to install a charging station by submitting an application;
2. Applicants would be selected based on preferential criteria, including:
 - A. The ability of the applicant to make the charging station available to the public for use 24 hours per day and seven days per week;
 - B. The absence of other available charging stations in or near the area in which the proposed charging station will be located;
 - C. The relative safety of the proposed location of the charging station, including the presence of lighting or shelter;
 - D. The willingness of the applicant to contribute the applicant's own funds to help maintain and operate the charging station;
 - E. The location of the proposed charging station in relation to important regional attractions, events, facilities, transportation corridors, major thoroughfares and high-traffic areas; and
 - F. The proximity of dining, lodging, retail and entertainment opportunities within walking distance of the proposed charging station;
3. A recipient of a grant would be required to commit to:
 - A. Making the charging station accessible and available for use by the public; and
 - B. Maintaining and operating the charging station; and
4. Funds for grants would be provided by several sources. It is intended that the program be included in the State's beneficiary mitigation plan to receive trust funds pursuant to the Volkswagen Partial Consent Decree, which settles portions of the multidistrict litigation concerning certain Volkswagen diesel engines. In addition, private funding that is designed to leverage other funds would make up a part of the program funding.

Committee Amendment "A" (H-320)

This amendment replaces the bill. The amendment requires the Department of Transportation, in consultation with the Department of Environmental Protection and the Governor's Energy Office, to include in the State's beneficiary mitigation plan the proposal to allocate 15% of the trust funds received for light-duty zero emission vehicle supply equipment as permitted by the Volkswagen Partial Consent Decree. If the mitigation plan is approved, it requires

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that the funds be used in whole or in part to provide grants for the installation of light-duty zero emission vehicle supply equipment. It requires that grants funded with the trust funds be disbursed to projects that meet certain preferential selection criteria. It allows the Department of Transportation to disburse funds for the installation of light-duty zero emission vehicle supply equipment within an existing program or a new program developed in consultation with the Efficiency Maine Trust. Lastly, it requires that the Department of Transportation submit by January 15, 2018, a report to the Joint Standing Committee on Energy, Utilities and Technology describing the status of the State's beneficiary mitigation plan, the plan to use funds for a new or existing grant program and the need, if any, for legislation for a grant program.

LD 1124 An Act To Promote the Development of Solar Energy in Maine ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C PIERCE T	ONTP	

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

This bill proposes to enact measures designed to promote the development of solar energy in the State.

LD 1147 An Act To Modernize the Renewable Portfolio Standard PUBLIC 291

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT J	OTP-AM ONTP	H-272 S-290 DION M

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

This bill proposes to modernize the renewable portfolio standard. The bill proposes to continue the current renewable portfolio standard level from January 2017 to December 2028.

Committee Amendment "A" (H-272)

This amendment is the majority report of the committee, and it replaces the bill, which is a concept draft. It extends the new renewable capacity resources portfolio requirement through 2028.

Senate Amendment "A" To Committee Amendment "A" (S-290)

This amendment amends Committee Amendment "A" to extend the new renewable capacity resources portfolio requirement through 2022 rather than 2028 as in the committee amendment.

Enacted Law Summary

Public Law 2017, chapter 291 extends the new renewable capacity resources portfolio requirement through 2022.

LD 1151 An Act To Allow Promotional Allowances by Gas Utilities PUBLIC 83

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M DION M	OTP-AM	H-151

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This bill allows public utilities to offer or provide promotional allowances, such as rebates, discounts or similar reductions, to their customers or potential customers. The Public Utilities Commission is directed to adopt rules to implement the provisions of this bill.

Committee Amendment "A" (H-151)

This amendment replaces the bill. It allows a gas utility to offer a promotional allowance, instead of a public utility as proposed in the bill, and the rate for that promotional allowance takes effect when the schedule of rates is filed with the Public Utilities Commission and provided to the Efficiency Maine Trust, unless a later effective date is specified. A gas utility does not need to provide prior notice or receive approval from the commission in order to offer a promotional allowance.

Enacted Law Summary

Public Law 2017, chapter 83 allows a gas utility to offer a promotional allowance, and the rate for that promotional allowance takes effect when the schedule of rates is filed with the Public Utilities Commission and provided to the Efficiency Maine Trust, unless a later effective date is specified. Under this law, a gas utility does not need to provide prior notice or receive approval from the Public Utilities Commission in order to offer a promotional allowance.

**LD 1157 An Act To Create a Limited Microgrid Project To Stimulate Economic ONTP
Development in Northern Maine**

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

This bill establishes a limited microgrid program in northern Maine. The bill directs the Public Utilities Commission to establish by rule a program that would allow the creation of small transmission or distribution systems connecting an electricity generator with one or more industrial consumers located in close proximity to the generator, allowing for the sale or transfer of electricity from the generator to those consumers without use of the system of the transmission and distribution utility. The commission is directed to report annually to the Legislature on the program and whether it should be continued, expanded, limited or discontinued.

**LD 1176 An Act To Ensure the Safety of Low-income Persons Who Are Deaf and CARRIED OVER
Who Use Video and Captioned Phones by Providing Equitable Access to
the Internet**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M TALBOT ROSS R		

This bill requires communications service providers to provide a 70% price reduction on all broadband services provided to a low-income person who is deaf.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 1185 An Act Regarding Renewable Portfolio Standards

ONTP

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

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

This bill proposes to enact measures designed to update Maine's renewable portfolio standards.

LD 1224 An Act To Allow for Greater Energy Competition in Maine by Amending the Law Governing Electric Generation or Generation-related Assets by Affiliates

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M O'CONNOR B		

This bill directs the Public Utilities Commission to develop clear standards and protections to be imposed on investor-owned transmission and distribution utilities to prevent them from providing preferential treatment to their generation affiliates in Maine.

This bill requires the commission to adopt major substantive rules to protect ratepayers and establish standards of conduct that govern the relationship between an investor-owned transmission and distribution utility and a generation affiliate. It requires that standards of conduct adopted by commission rule ensure at a minimum that a generation affiliate is not given preference over nonaffiliated competitive generators; costs of the generation affiliate are not recovered from ratepayers; employees of an investor-owned transmission and distribution utility are physically separate from and not shared with those of a generation affiliate; and the accounts and records of an investor-owned transmission and distribution utility and a generation affiliate are separate.

This bill defines "generation affiliate" as an affiliated interest that owns, has a financial interest in or controls generation or generation-related assets.

This bill defines "financial interest" as any voting or nonvoting equity interest, partnership interest, whether limited or general, trust interest or joint venture in an entity and specifies that a financial interest is not created between an investor-owned transmission and distribution utility and a generation affiliate solely by virtue of their relationship with a common parent company.

This bill establishes penalties for violations of rules adopted pursuant to this bill, and provides that the commission may require an investor-owned transmission and distribution utility to divest from its generation affiliate as a result of any violations of the rules.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 1262 An Act To Protect Monhegan Island by Limiting Wind Turbines

ONTP

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

This bill would prohibit an offshore wind energy project or wind energy test area, whether temporary or permanent to be located within the Monhegan Lobster Conservation Area or within 10 nautical miles of the Monhegan Lobster Conservation Area as measured from a line running from the outer perimeter of the Monhegan Lobster Conservation Area.

The provisions of the bill apply retroactively to January 1, 2009.

LD 1299 An Act To Amend the Charter of the Town of Madison's Department of Electric Works

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B WHITTEMORE R	ONTP	

This bill replaces language regarding the bonding authority of the Madison Department of Electric Works to provide that it is the electric works that issues bonds for its purposes and not the Town of Madison and to remove the \$1,200,000 cap on the issuance of bonds or notes for current operating expenses.

LD 1313 An Act To Establish Energy Policy in Maine

PUBLIC 282

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H WOODSOME D	OTP-AM	H-429

This bill amends the law regarding the transfer of funds by the Efficiency Maine Trust from the Regional Greenhouse Gas Initiative Trust Fund to the Public Utilities Commission for the purpose of the commission's making disbursements to affected manufacturing customers in proportion to their retail purchase of electricity. The bill removes the requirement to transfer \$3,000,000 per year to the Public Utilities Commission and instead directs the commission to determine the total amount to be disbursed based on a percentage. The bill allows affected customers to opt out of receiving a disbursement. The bill requires an affected customer to use the entire amount disbursed by the commission toward the cost of an approved efficiency measure in order for the affected customer to be eligible to receive matching funds from Efficiency Maine Trust.

Committee Amendment "A" (H-429)

This amendment replaces the bill. It requires the Efficiency Maine Trust to transfer \$2,500,000 in fiscal year 2017-18, \$2,500,000 in fiscal year 2018-19 and \$1,000,000 in fiscal year 2019-20 from the Regional Greenhouse Gas Initiative Trust Fund to the Public Utilities Commission to disburse to certain energy-intensive manufacturers defined in statute as affected customers. The amendment clarifies that disbursements to affected customers are to be made on a quarterly basis. It allows an affected customer to elect not to receive a disbursement for fiscal years 2017-18 to 2019-20, which would make that customer eligible to receive financial or other assistance from the Efficiency Maine Trust from the Regional Greenhouse Gas Initiative Trust Fund. It provides the Efficiency Maine Trust with discretion in directing remaining regional greenhouse gas initiative funds to programs, instead of being

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required to allocate 50% of those funds to residential programs and 50% of those funds to commercial and industrial programs. Lastly, it limits the assessment under the natural gas conservation program on a large-volume manufacturer to be allowed only on the first 1,000,000 centum cubic feet of natural gas used by that manufacturer in each year, but specifies that this limitation does not limit the ability of a large-volume manufacturer from participating in a natural gas conservation program and it does not affect the determination of the trust on the total amount necessary to capture all cost-effective energy efficiency that is achievable and reliable.

Enacted Law Summary

Public Law 2017, chapter 282 requires the Efficiency Maine Trust to transfer \$2,500,000 in fiscal year 2017-18, \$2,500,000 in fiscal year 2018-19 and \$1,000,000 in fiscal year 2019-20 from the Regional Greenhouse Gas Initiative Trust Fund to the Public Utilities Commission to disburse to certain energy-intensive manufacturers defined in statute as affected customers. The law clarifies that disbursements to affected customers are to be made on a quarterly basis. It allows an affected customer to elect not to receive a disbursement for fiscal years 2017-18 to 2019-20, which would make that customer eligible to receive financial or other assistance from the Efficiency Maine Trust from the Regional Greenhouse Gas Initiative Trust Fund. It provides the Efficiency Maine Trust with discretion in directing remaining regional greenhouse gas initiative funds to programs, instead of being required to allocate 50% of those funds to residential programs and 50% of those funds to commercial and industrial programs. Lastly, it limits the assessment under the natural gas conservation program on a large-volume manufacturer to be allowed only on the first 1,000,000 centum cubic feet of natural gas used by that manufacturer in each year, but specifies that this limitation does not limit the ability of a large-volume manufacturer from participating in a natural gas conservation program and it does not affect the determination of the trust on the total amount necessary to capture all cost-effective energy efficiency that is achievable and reliable.

LD 1342 An Act Regarding Grid-scale Wind Energy Development

ONTP

Sponsor(s)

DION M

Committee Report

ONTP

Amendments Adopted

This bill specifies that associated facilities constructed for wind energy development do not include utility-owned facilities and utility-owned facilities are not part of a wind energy development or offshore wind power project.

LD 1352 An Act To Advance Locally Owned Solar Energy Systems

Leave to Withdraw Pursuant to Joint Rule

Sponsor(s)

WOODSOME D

Committee Report

Amendments Adopted

This bill requires the Public Utilities Commission to issue a request for proposals to procure 35 megawatts of grid-scale solar electricity. This bill requires that one project be 10 megawatts in size and be located on a qualifying brownfields site, three projects be 5 megawatts in size and five projects be 2 megawatts in size. In addition to meeting other requirements, an applicant for a grid-scale project must show that at least 51% of the facility is owned locally in order to be eligible for a contract. The commission may direct investor-owned transmission and distribution utilities to enter into contracts with a term of 20 years for the energy and capacity of a project at a rate of \$0.067 per kilowatt-hour. The bill directs the commission to adopt rules to implement the procurement process and to ensure protections for ratepayers.

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LD 1372 An Act To Increase Broadband Access for Rural Communities

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E MAKER J		

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

This bill proposes to enact measures designed to increase broadband access for rural communities. Specifically, this bill proposes to:

1. Direct the ConnectME Authority to create an accurate map of broadband coverage in the State. The mapping project should delineate, at a minimum:
 - A. Those areas of the State that do not have access to broadband coverage;
 - B. For those areas of the State without access to broadband coverage, the infrastructure in place that might be used to expand access, including, but not limited to, poles, nodes, and fiber optic cable; and
 - C. For those areas of the State with access to broadband coverage, the type or types of available broadband coverage and the associated connection speeds; and
2. Direct the ConnectME Authority to provide funding for the provision of digital literacy programs, particularly in rural areas of the State. A digital literacy program funded pursuant to this requirement must have a history of success in increasing fluency in the use and security of interactive digital tools and searchable networks, including the ability to use digital tools safely and effectively for learning, collaborating and producing.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1373 An Act To Protect and Expand Access to Solar Power in Maine

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S DION M		

This bill amends the laws governing net energy billing. It prohibits a charge to a customer that elects to use net energy billing. It provides specific provisions related to net energy billing including:

1. It provides that customers using net energy billing receive bill credits netted against delivery and supply charges on a one-to-one basis;
2. It provides that unused bill credits accumulate on a 12-month rolling basis;
3. It limits the installed capacity of an eligible facility to 2 megawatts in the territory of an investor-owned transmission and distribution utility and to 100 kilowatts in the territory of a consumer-owned transmission and distribution utility, except that the consumer-owned transmission and distribution utility may elect to allow an eligible facility with installed capacity up to 2 megawatts;
4. It allows an eligible facility with shared ownership or third-party ownership to be eligible for net energy billing

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and prohibits the Public Utilities Commission from limiting the number of participants in a shared ownership project, but allows the commission to set a minimum share size; and

5. It requires a comprehensive review of ratepayer benefits and costs from net energy billing when any investor-owned transmission and distribution utility in the State enters into net energy billing agreements for a total generating capacity equal to 5% of the annual peak demand and again for every additional 3% of the utility's annual peak demand thereafter.

This bill also establishes a solar energy rebate program to be administered by the Efficiency Maine Trust. The program is to be funded through an assessment collected by the Public Utilities Commission from transmission and distribution utilities. Available funds are to be distributed in the following manner: 40% to eligible commercial customers, 20% to low-income or moderate-income residents and 40% to other eligible residents.

This bill requires the trust to adopt routine technical rules to administer the program and requires the trust to submit an annual report to the Legislature that describes the actions of the trust related to the rebate program.

House Amendment "A" (H-566)

This amendment strikes the bill, adds a new title and specifies that the rules adopted by the Public Utilities Commission regarding net energy billing relating to determining the reduction of the percentage of net energy included in determining a customer's transmission and distribution bill must allow that percentage to be applied only to the excess energy generation subject to the net energy billing arrangement.

This amendment was not adopted.

This bill was delivered to the House pursuant to Joint Rule 309 without a committee report and then committed again to the committee; it was then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1399 An Act To Encourage Broadband Coverage in Rural Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S BERRY S	OTP-AM ONTP	S-223

This bill repeals the provisions of law establishing and governing the ConnectME Authority and establishes the Maine Broadband Initiative as a nonprofit corporation with public and charitable purposes to encourage, promote, stimulate, invest in and support universal high-speed broadband to unserved and underserved areas of the State. The initiative is governed by a board of directors. The bill establishes the Maine Broadband Initiative Fund, which is funded by assessments on communications service providers and tax assessments on qualified telecommunications equipment of telecommunications businesses. The bill provides for a transition from the ConnectME Authority to the new Maine Broadband Initiative.

Committee Amendment "A" (S-223)

This amendment is the majority report of the committee and it makes the following changes to the bill:

1. It clarifies the process for the appointment and confirmation of the Maine Broadband Initiative director by requiring that the Governor appoint a person who has experience in the management of organizations that maximize partnerships and collaborations. The amendment also provides that the appointee is subject to review by the joint standing committee of the Legislature having jurisdiction over public utilities and technology matters rather than telecommunications and broadband matters and must be confirmed by the Legislature rather than the Board of

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Directors of the Maine Broadband Initiative;

- 2. It changes the definition of "unserved area" to mean an area within the State that has an actual broadband speed that is slower than 10 megabits per second, rather than 25 megabits as in the bill;
- 3. It removes a policy and goal of the Maine Broadband Initiative from the bill;
- 4. It changes the criteria that the Governor must consider when making an appointment to the Board of Directors of the Maine Broadband Initiative;
- 5. It removes the provision in the bill that allows appointment of directors of the Board of Directors of the Maine Broadband Initiative by the Speaker of the House of Representatives and the President of the Senate;
- 6. It further changes the composition of the membership of the Board of Directors of the Maine Broadband Initiative;
- 7. It limits administrative costs of the Maine Broadband Initiative to no more than 10% of the annual funds received from the Maine Broadband Initiative Fund;
- 8. It changes the date from July 1st to September 1st as it relates to the crediting of the tax assessment by the State Tax Assessor to the Maine Broadband Initiative Fund; and
- 9. It adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1444 An Act Regarding Large-scale Community Solar Procurement

CARRIED OVER

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

This bill directs the Public Utilities Commission to enter into long-term contracts with a duration of 20 years for the procurement of 120 megawatts of large-scale community solar distributed generation resources by 2022.

The bill designates a standard buyer, which the bill specifies is the investor-owned transmission and distribution utility in its service territory. The bill allows the commission to designate another entity as the standard buyer if the commission determines it is in the best interest of ratepayers to do so. The purpose of the standard buyer is to purchase the output of large-scale community solar distributed generation resources, aggregate the portfolio of distributed generation resources procured and sell or use the output of these resources in a manner that maximizes the value of this portfolio of resources to all ratepayers.

The bill directs the commission to conduct an initial competitive solicitation for 30 megawatts of output of large-scale community solar distributed generation by March 1, 2018. The bill directs the commission and standard buyer to develop a contract prior to a solicitation that will ensure that projects proceed to commercial operation on a reasonable timeline and commits all parties to commercially reasonable behavior.

The bill gives the commission authority to establish requirements for bidder eligibility and standards to ensure competition in the bidding process. The bill also specifies that if the solicitation is determined competitive the commission must select one or more winning bids and direct the standard buyer to negotiate and enter into a

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This bill changes the requirement regarding the development, implementation, operation and management of nontransmission alternatives for proposed transmission lines and proposed transmission projects. This bill requires that a smart grid coordinator appointed by the Public Utilities Commission develop a nontransmission alternative to a proposed transmission line or proposed transmission project.

The bill provides that a smart grid coordinator must be an entity incorporated in the State; may not be a transmission and distribution utility located in the State or an affiliate of a transmission and distribution utility located in the State; and must have a demonstrated record of developing, operating and managing nontransmission alternatives.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1504 An Act To Modernize Rates for Small-scale Distributed Generation

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM	S-276
GROHMAN M	OTP-AM	H-554 HARVELL L

This bill amends the law regarding net energy billing and makes the adoption of net energy billing rules major substantive instead of routine technical, except that rules adopted to be consistent with the changes in the Maine Revised Statutes, Title 35-A, section 3209-A, subsection 1, substantively equivalent to the rules in effect prior to March 29, 2017 and that must be completed by December 1, 2017, are routine technical rules.

The bill directs the Public Utilities Commission to enter into long-term contracts with a duration of 20 years for the procurement of 50 megawatts of large-scale commercial solar distributed generation resources by 2022. The bill requires that 8 megawatts of the 50-megawatt procurement target be from large commercial solar distributed generation resources for projects associated with an agricultural or forest products business.

The bill creates a standard buyer, which the bill specifies is the investor-owned transmission and distribution utility in its service territory. The bill allows the commission to designate another entity as the standard buyer if it determines it is in the best interest of ratepayers to do so. The purpose of the standard buyer is to purchase the output of each category of distributed generation resource, aggregate the portfolio of distributed generation resources procured and sell or use the output of these resources in a manner that maximizes the value of this portfolio of resources to all ratepayers.

The bill directs the commission to conduct competitive solicitations for 20% of the five-year target procurement for long-term contracts for the output of large-scale commercial solar distributed generation resources twice per year. The bill directs the commission and standard buyer to develop a contract prior to a solicitation that will ensure that projects proceed to commercial operation on a reasonable timeline and commits all parties to commercially reasonable behavior.

The bill gives the commission authority to establish requirements for bidder eligibility and standards to ensure competition in the bidding process. The bill also specifies that if the solicitation is fully competitive, the commission must select one or more winning bids and direct the standard buyer to negotiate and enter into a contract with the winning bidder or bidders. If the commission concludes the solicitation is not competitive, no bidders may be selected and the capacity available in that solicitation must be deferred to a subsequent solicitation. The bill requires the commission to select bids that maximize the benefits or minimize the costs to all ratepayers.

The bill directs the commission to give preference to projects associated with affordable multifamily housing. The bill requires the commission to review bids for projects associated with affordable multifamily housing at 1¢ less per kilowatt-hour than the actual bid, but if such a project is awarded a contract, it is paid at the actual bid rate and

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not the rate used for review. This same process is allowed in the bill after December 31, 2019, for projects associated with an agricultural or forest products business if the commission determines that solicitations are not likely to result in the procurement of 8 megawatts of solar projects associated with an agricultural or forest products business by 2022.

The bill also includes a small business distributed generation credit rate program as an alternative to net energy billing for nonresidential customers.

The bill includes language on how bill credits are to be determined for a customer.

The bill requires the Public Utilities Commission to adopt routine technical rules regarding the procurement of large-scale commercial solar distributed generation resources by January 1, 2018.

The bill also requires the commission to submit multiple reports on the effectiveness of the bill credit program at increasing installations of distributed generation resources and its expected short-term and long-term effect on ratepayers, as well as multiple reports regarding net energy billing and alternatives to net energy billing.

Committee Amendment "A" (S-276)

This amendment is the majority report of the committee, and it replaces the bill. It does the following regarding net energy billing:

1. It requires a net energy billing customer to receive 100% of the net energy of an eligible facility for the customer's transmission and distribution bill until December 31, 2021;
2. It prohibits a transmission and distribution utility from requiring a customer to meter the gross output of an eligible facility in order to participate in net energy billing;
3. It limits to 200 the number of eligible customers that may participate in a single shared interest in an eligible facility or the number of meters associated with a single shared interest, except in the service territory of a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine; and
4. It requires the Public Utilities Commission to amend its current net energy billing rules before January 1, 2018, to be consistent with the Maine Revised Statutes, Title 35-A, section 3209-A.

This amendment also requires the Public Utilities Commission to submit a report by January 1, 2021, that includes recommendations on how to transition from net energy billing to time-of-use rates, market-based rates or other rate design options. In its report, the commission must include information regarding an analysis of costs and benefits of net energy billing, which it is required to conduct in an adjudicatory proceeding, as well as how those costs and benefits compare to any recommendations the commission makes in this report.

Committee Amendment "B" (S-277)

This amendment is the minority report of the committee, and it replaces the bill. It does the following regarding net energy billing:

1. It allows an eligible customer to elect net energy billing until December 31, 2017, after which time no new net energy billing arrangements may be allowed;
2. It allows net energy billing arrangements entered into prior to December 31, 2017, to remain in effect until December 31, 2032;
3. It prohibits a transmission and distribution utility from requiring a customer to meter the gross output of an

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eligible facility in order to participate in net energy billing; and

4. It limits to 50 the number of eligible customers that may participate in a single shared interest in an eligible facility or the number of meters associated with a single shared interest, except in the service territory of a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine.

The amendment establishes a market-based crediting system for energy generated by eligible facilities. It requires the Public Utilities Commission to adopt rules to allow an eligible customer to receive a monetary credit for energy generated by an eligible facility in excess of the customer's usage and exported to the grid at the real-time wholesale market price of that energy. As in the provisions relating to net energy billing, a transmission and distribution utility is prohibited from requiring a customer to meter the gross output of an eligible facility in order to participate in the crediting system, and the number of eligible customers that may participate in a single shared interest in an eligible facility, or the number of meters associated with a single shared interest, is limited to 50. The amendment exempts a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine, or any successor of the independent system administrator for northern Maine, from using this crediting system until the Public Utilities Commission determines the utility's billing system can perform the necessary functions to implement the system. It requires the commission to consider whether an alternative system to the crediting system for northern Maine could be developed and utilized in the interim period before the utility's billing system is modified to allow a market-based crediting system.

It requires the Public Utilities Commission to procure, to the maximum extent possible, 20 megawatts of large-scale community solar distributed generation resources. It requires that the contract rate be calculated annually and that no contract may be for more than 6¢ per kilowatt-hour or the average wholesale electricity rate over the preceding 12 months, whichever is less.

Lastly, it requires the Public Utilities Commission to conduct an analysis of the costs and benefits to ratepayers for both net energy billing and the market-based crediting system in an adjudicatory proceeding and to report those findings to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later than January 1, 2019.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-293)

This amendment makes the following changes to Committee Amendment "A."

1. It requires a net energy billing customer to receive 100% of the net energy of an eligible facility for the customer's transmission and distribution bill until December 31, 2019, instead of December 31, 2021.
2. It changes from 200 to 100 the limit on the number of eligible customers that may participate in a single shared interest in an eligible facility or the number of meters associated with a single shared interest, except in the service territory of a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine.
3. It changes the report date for the Public Utilities Commission to January 1, 2020, for recommendations on how to transition from net energy billing to time-of-use rates, market-based rates or other rate design options.

This amendment was adopted in the Senate.

House Amendment "B" To Committee Amendment "A" (H-554)

This amendment to Committee Amendment "A" requires a net energy billing customer that applies for a net energy billing arrangement by December 31, 2017, to receive 100% of the net energy of an eligible facility for the

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customer's transmission and distribution bill, a customer that applies for a net energy billing arrangement after December 31, 2017, and by December 31, 2018, to receive 90% of the net energy of an eligible facility for the customer's transmission and distribution bill and a customer that applies for a net energy billing arrangement after December 31, 2018, and by December 31, 2019, to receive 80% of the net energy of an eligible facility for the customer's transmission and distribution bill. It allows the Public Utilities Commission by rule to reduce by up to 10% in any calendar year after December 31, 2019, the percentage of an eligible customer's net energy that applies to that customer's transmission and distribution bill as long as any reduction applies only to customers that apply for a net energy billing arrangement in that calendar year. It specifies that an eligible customer that applies for a net energy billing arrangement by December 31, 2017, may continue with the net energy billing arrangement until the end of the calendar year in 2032 and that an eligible customer that applies for a net energy billing arrangement after December 31, 2017, may continue with that net energy billing arrangement until the end of the calendar year that is 15 years from the year in which the customer applied for the net energy billing arrangement. It reduces from 200 to 100 the number of eligible customers that may participate in a shared interest in an eligible facility or the number of meters associated with a single shared interest in an eligible facility. It changes the date for a report required to be submitted to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by the Public Utilities Commission from January 1, 2021, to January 1, 2019, and it requires that the Public Utilities Commission conclude an adjudicatory proceeding by December 31, 2018. This amendment also removes changes made regarding exit fees.

LD 1513 An Act To Provide for Affordable Long-term Energy Prices in Maine ONTP

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

This bill prohibits the Public Utilities Commission from directing an investor-owned transmission and distribution utility to enter into a long-term contract for capacity resources or energy or renewable energy credits associated with capacity resources unless the commission determines that the in-state economic benefits substantially outweigh the expected costs of the contract.

LD 1514 An Act To Provide Maine Landlords Advance Notice of Water Disconnection Postings Died Between Houses

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

This bill requires a water utility to provide a landlord who is billed for water utility service for a rental property written notice at least three days prior to the water utility's posting any disconnection notices at the rental property.

Committee Amendment "A" (H-273)

This amendment is the minority report of the committee and replaces the bill. It requires that a water utility provide a landlord that is billed for water service provided to a rental property notice of an upcoming posting of a disconnection notice at the rental property before that water utility posts the disconnection notice.

This amendment was not adopted.

Joint Standing Committee on Energy, Utilities and Technology

LD 1515 An Act To Reduce Electric Rates for Maine Businesses by Amending the Laws Governing Spending from the Regional Greenhouse Gas Initiative Trust Fund **CARRIED OVER**

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

This bill establishes a ceiling on energy efficiency spending from the Regional Greenhouse Gas Initiative Trust Fund; provides for transfers from the trust fund to Maine-based energy-intensive businesses, in addition to transfers to affected customers; requires that funds over a certain amount be distributed to ratepayers; and authorizes the Public Utilities Commission to adopt implementing rules. This bill also authorizes the Efficiency Maine Trust, during fiscal years 2017-18 and 2018-19, to deviate from the allocation requirements set forth in the statutes and instead allocate those funds to the programs that the trust determines.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1516 An Act To Encourage Broadband Development through Private Investment **ONTP**

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

This bill creates requirements that a municipality must meet in order to provide broadband service to its residents. It requires the completion of a feasibility study and requires the municipality to hold a referendum to decide whether the municipality may offer broadband service. It includes general operation limitations, including those related to the establishment of rates, the use of subsidization and the use of eminent domain. It requires the adoption of ordinances relating to service quality and enforcement by a municipality that elects to provide broadband service. It also removes antitrust liability protections from a municipality as those protections relate to the municipality's offering broadband service.

The bill also requires that in order to receive any grants from the ConnectME Authority, the municipality must show evidence of compliance with the requirements of the Maine Revised Statutes, Title 35-A, chapter 94.

LD 1547 An Act To Establish Primary Energy Goals for the State **ONTP**

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

This bill changes the State's energy goals to establish that the primary objectives of the State's energy policy are to reduce electric rates and costs and to reduce air pollution. It repeals state policies and goals related to energy generation from renewable resources and to wind energy development.

Joint Standing Committee on Energy, Utilities and Technology

LD 1610 An Act To Protect Privacy of Online Customer Personal Information

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S CASAS O		

This bill prohibits a provider of broadband Internet access service from using, disclosing, selling or permitting access to customer personal information unless the customer expressly consents to that use, disclosure, sale or access. The bill provides other exceptions under which a provider may use, disclose, sell or permit access to customer personal information. The bill prohibits a provider from refusing to serve a customer, charging a customer a penalty or offering a customer a discount if the customer does or does not consent to the use, disclosure, sale or access. The bill requires providers to take reasonable measures to protect customer personal information from unauthorized use, disclosure, sale or access. The provisions of the bill apply to providers operating within the State when providing broadband Internet access service to customers that are billed for service received in the State and are physically located in the State.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1632 An Act To Establish the Manufacturing Jobs Energy Program

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J STANLEY S		

This bill establishes the manufacturing jobs energy program to encourage growth of forest products and wood manufacturing jobs tied to installed megawatt capacity from new renewable energy from combined heat and power, including biomass energy from manufacturing residues. The program is administered by the Public Utilities Commission.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1634 An Act To Update the Scheduling Guidelines for Review of Agencies or Independent Agencies under the State Government Evaluation Act

PUBLIC 255

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

This bill was reported out by the Joint Standing Committee on Energy, Utilities and Technology pursuant to a joint order. This bill changes the review schedule under the State Government Evaluation Act for the Public Advocate, the Public Utilities Commission and the Telecommunications Relay Services Advisory Council.

Enacted Law Summary

Public Law 2015, chapter 255 changes the review schedule under the State Government Evaluation Act for the Office of the Public Advocate, the Public Utilities Commission and the Telecommunications Relay Services Advisory Council.

Joint Standing Committee on Energy, Utilities and Technology

SUBJECT INDEX

Agency Matters - PUC/OPA/GEO/EMT

Enacted

LD 1313	An Act To Establish Energy Policy in Maine	PUBLIC 282
LD 1634	An Act To Update the Scheduling Guidelines for Review of Agencies or Independent Agencies under the State Government Evaluation Act	PUBLIC 255

Not Enacted

LD 260	An Act To Create the Maine Energy Office	CARRIED OVER
LD 802	An Act To Strengthen the Independence of the Public Advocate	ONTP
LD 1513	An Act To Provide for Affordable Long-term Energy Prices in Maine	ONTP
LD 1515	An Act To Reduce Electric Rates for Maine Businesses by Amending the Laws Governing Spending from the Regional Greenhouse Gas Initiative Trust Fund	CARRIED OVER

Biomass

Not Enacted

LD 131	An Act To Protect the Biomass Industry	CARRIED OVER
LD 1632	An Act To Establish the Manufacturing Jobs Energy Program	CARRIED OVER

Broadband

Enacted

LD 256	An Act To Ensure Continued Availability of High-speed Broadband Internet at Maine's Schools and Libraries	PUBLIC 244
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Not Enacted

LD 140	An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund	CARRIED OVER
LD 421	An Act To Promote Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet	ONTP

LD 423	An Act To Extend Internet Availability in Rural Maine	CARRIED OVER
LD 1176	An Act To Ensure the Safety of Low-income Persons Who Are Deaf and Who Use Video and Captioned Phones by Providing Equitable Access to the Internet	CARRIED OVER
LD 1372	An Act To Increase Broadband Access for Rural Communities	CARRIED OVER
LD 1399	An Act To Encourage Broadband Coverage in Rural Maine	
LD 1472	An Act To Lower the Costs of Broadband Service by Coordinating the Installation of Broadband Infrastructure	CARRIED OVER
LD 1516	An Act To Encourage Broadband Development through Private Investment	ONTP
LD 1610	An Act To Protect Privacy of Online Customer Personal Information	CARRIED OVER

Dig Safe

Not Enacted

LD 405	An Act To Make Changes to the So-called Dig Safe Law	ONTP
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E911

Enacted

LD 825	An Act To Ensure Direct Dialing of 911 from Multiline Telephone Systems	PUBLIC 48
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Not Enacted

LD 474	An Act To Allow a Public Safety Answering Point To Be Reimbursed for Training Costs	ONTP
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Electricity

Enacted

LD 755	An Act To Amend the Law Regarding Nontransmission Alternatives Investigations Required for Proposed Transmission Lines and Projects	PUBLIC 201
LD 756	An Act To Clarify the Authority of an Affiliate of a Utility To Own Power Generation outside of the Utility's Territory	PUBLIC 287
LD 803	An Act To Improve Transparency in the Electricity Supply Market	PUBLIC 74
LD 1061	An Act To Increase Investment and Regulatory Stability in the Electric Industry	PUBLIC 134
LD 1147	An Act To Modernize the Renewable Portfolio Standard	PUBLIC 291

Not Enacted

LD 229	An Act To Prohibit an Electric Utility from Charging a Customer for Using an Electromechanical Meter	Died Between Houses
LD 240	An Act To Increase Transparency in Maine's Electricity Market	ONTP
LD 255	An Act To Implement Electric Grid Reliability Recommendations	ONTP

LD 257	An Act To Enable Municipalities Working with Utilities To Establish Microgrids	CARRIED OVER
LD 259	An Act To Limit Rates Charged by Competitive Electricity Providers	ONTP
LD 529	An Act To Ensure Resiliency of the Maine Electrical Grid	Veto Sustained
LD 532	An Act To Remove the 100-megawatt Limit on Hydroelectric Generators under the Renewable Resources Laws	CARRIED OVER
LD 1157	An Act To Create a Limited Microgrid Project To Stimulate Economic Development in Northern Maine	ONTP
LD 1185	An Act Regarding Renewable Portfolio Standards	ONTP
LD 1224	An Act To Allow for Greater Energy Competition in Maine by Amending the Law Governing Electric Generation or Generation-related Assets by Affiliates	CARRIED OVER
LD 1487	An Act To Control Electricity Transmission Costs through the Development of Nontransmission Alternatives	CARRIED OVER

Energy Policy

Not Enacted

LD 1547	An Act To Establish Primary Energy Goals for the State	ONTP
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Miscellaneous

Not Enacted

LD 58	An Act To Limit Radio Frequency Interference from Certain Grow Light Ballasts	ONTP
LD 1062	Resolve, To Expand the Availability of Light-duty Zero Emission Vehicle Supply Equipment	Veto Sustained
LD 1299	An Act To Amend the Charter of the Town of Madison's Department of Electric Works	ONTP

Natural Gas

Enacted

LD 344	An Act To Provide Opportunity for Energy Cost Reduction for Maine Businesses and Citizens	PUBLIC 22
LD 1151	An Act To Allow Promotional Allowances by Gas Utilities	PUBLIC 83

Not Enacted

LD 822	An Act To Ensure Fairness among Large Consumers of Natural Gas	CARRIED OVER
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Solar Energy

Not Enacted

LD 1124	An Act To Promote the Development of Solar Energy in Maine	ONTP
LD 1352	An Act To Advance Locally Owned Solar Energy Systems	Leave to Withdraw Pursuant to Joint Rule 310
LD 1373	An Act To Protect and Expand Access to Solar Power in Maine	CARRIED OVER
LD 1444	An Act Regarding Large-scale Community Solar Procurement	CARRIED OVER
LD 1504	An Act To Modernize Rates for Small-scale Distributed Generation	Veto Sustained

Telecommunications

Enacted

LD 406	An Act To Amend the Law Regarding Joint Use of Certain Utility and Telecommunications Infrastructure	PUBLIC 199
LD 461	Resolve, Regarding Legislative Review of Chapter 220: Removal of Provider of Last Resort Service Obligation, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 4 EMERGENCY
LD 754	An Act To Repeal or Clean Up Outdated Telecommunications Statutes	PUBLIC 73

Water/Sewer/Sanitary - General

Enacted

LD 686	An Act To Remove Restrictions on the Membership of Regional Water Councils	PUBLIC 58
LD 759	An Act To Clarify the Financial Authority of Sewer and Sanitary Districts	PUBLIC 151

Not Enacted

LD 55	An Act To Provide Funding for the Restoration of China Lake	ONTP
LD 422	An Act To Create the Water Resources Planning Committee	Veto Sustained
LD 1514	An Act To Provide Maine Landlords Advance Notice of Water Disconnection Postings	Died Between Houses

Water/Sewer/Sanitary Charters

Enacted

LD 104	An Act To Change the Time and Location of the Annual Meeting of the Board of Trustees of the Kittery Water District	P & S 1
LD 258	An Act To Amend the Charter of the Southwest Harbor Water and Sewer District	P & S 4
LD 757	An Act To Amend the Charter of the Richmond Utilities District	P & S 7

LD 90 An Act To Amend the Charter of the Rumford Water District Died Between Houses

Wind Energy

Not Enacted

LD 1262 An Act To Protect Monhegan Island by Limiting Wind Turbines ONTP

LD 1342 An Act Regarding Grid-scale Wind Energy Development ONTP

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON HEALTH AND
HUMAN SERVICES**

August 2017

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*Committee member for a portion of the session

Joint Standing Committee on Health and Human Services

LD 10 An Act To Build Greater Accountability into the General Assistance Program by Increasing the Penalty for Falsely Representing Information on an Application for General Assistance Died Between Houses

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

This bill increases the ineligibility penalty for falsifying a general assistance application from 120 days to 24 months.

Committee Amendment "A" (H-129)

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

This amendment was not adopted.

LD 19 An Act To Assist Residents of Nursing Homes To Return to Their Communities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D BRAKEY E	ONTP	

This bill provides ongoing funding for the continuation of the Homeward Bound program to provide outreach for those eligible for a nursing home level of care to transition to services in the community.

LD 20 An Act To Reimburse Nursing Homes for the Loss of Coinsurance and Deductibles for Skilled Nursing Beds under Rules Adopted by the Department of Health and Human Services CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM ONTP	H-39

This bill appropriates and allocates funding to reimburse nursing homes for the losses of coinsurance and deductibles for skilled nursing beds under rules adopted by the Department of Health and Human Services as required in Public Law 2013, chapter 368.

Committee Amendment "A" (H-39)

This amendment adjusts the funding for reimbursement for the losses of coinsurance and deductibles to reflect a more current estimate and includes additional funding for the Department of Administrative and Financial Services, Office of Information Technology for testing and development.

This bill was reported out of committee and then carried over to any special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

Joint Standing Committee on Health and Human Services

LD 33 An Act To Adjust the Lifetime Limit for the Receipt of TANF Benefits

**Accepted Majority
(ONTP) Report**

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

This bill changes the lifetime limit for receiving benefits through the Temporary Assistance for Needy Families program from 60 months to 36 months.

Committee Amendment "A" (S-103)

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

This amendment was not adopted.

LD 34 An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores

**Accepted Majority
(ONTP) Report**

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

This bill allows certain tobacco specialty stores to be licensed as a cigar lounge, which may serve nonalcoholic and alcoholic beverages. The bill permits cigar lounges to allow the consumption of food that is not prepared on its premises. The bill prohibits cigar lounges from selling cigarettes. The bill requires a tobacco specialty store that is a cigar lounge to provide notice about the dangers of environmental tobacco smoke to applicants for employment and employees. The bill establishes a \$100 fee for a cigar lounge license.

Committee Amendment "A" (S-63)

This amendment is the minority report of the committee. It replaces the bill. It requires that a cigar lounge be licensed by the Department of Health and Human Services in order to allow smoking, other than cigarette smoking, and to serve food that has not been prepared on the premises. It also allows cigar lounges to seek a liquor license from the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. The amendment provides that the cigar lounge license fee of \$100 is in addition to the required license fee for a retail tobacco license and the type of liquor license sought.

This amendment was not adopted.

LD 36 An Act To Create a 9-month Time Limit on General Assistance Benefits for Certain Persons

ONTP

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

This bill limits to a maximum of 275 days every five years the general assistance benefits a person who does not have any dependents and who is capable of working may receive.

Joint Standing Committee on Health and Human Services

LD 38 An Act To Strengthen the Maine Children's Growth Council

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R FARNSWORTH R	OTP-AM OTP-AM	S-64

This bill adds duties for the Maine Children's Growth Council. The bill requires the Maine Children's Growth Council to include additional information in the council's report to the Governor and certain legislative committees. It changes the reporting requirement from every two years to annually and includes the Legislative Council as a recipient of the report. The bill directs the Maine Children's Growth Council to develop an evaluation process and to periodically perform an evaluation of its effectiveness in performing its duties. The bill authorizes the Maine Children's Growth Council to receive staff assistance from the Child Development Services System and the Department of Health and Human Services.

Committee Amendment "A" (S-64)

This amendment is the majority report of the committee. The amendment removes from the bill the provision that allows the Maine Children's Growth Council to request staff assistance from the Department of Health and Human Services and the Child Development Services System. The bill changes a reporting requirement from every two years to annually; the amendment removes that change so that the reporting requirement remains every two years. The amendment provides funding for a part-time staff person to support the activities of the Maine Children's Growth Council. The amendment also adds an appropriations and allocations section.

Committee Amendment "B" (S-65)

This amendment is the minority report of the committee. The amendment removes from the bill the provision that allows the Maine Children's Growth Council to request staff assistance from the Department of Health and Human Services and the Child Development Services System. The bill changes a reporting requirement from every two years to annually; the amendment removes that change so that the reporting requirement remains every two years.

This amendment was not adopted.

The substance of this bill was included in Public Law 2017, chapter 284.

LD 40 An Act To Strengthen Requirements for Water Testing for Schools

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KORNFIELD T		

This bill requires schools that take drinking water from public water systems to have the same tests performed on that water as required of schools that take drinking water from sources other than public water systems, except that school buildings less than 10 years old are exempt from this requirement. Under the bill, after receiving results of school water tests, the Department of Education must make the results available to the public. The bill requires the Department of Health and Human Services to make test results from nursery schools available to the public.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 59 An Act To Provide Funding for a Therapeutic Adult Day Service Center CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N DAVIS P	ONTP OTP-AM	H-168

This bill provides one-time funding for start-up costs for the Maine Highlands Senior Center in Dover-Foxcroft to provide therapeutic adult day care.

Committee Amendment "A" (H-168)

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

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 83 An Act Regarding Changing the Designation of a Parent on the Birth Certificate of an Adult PUBLIC 5

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D HYMANSON P	OTP	

This bill repeals the current law governing amendment of the birth certificate of an adult and creates a new process for amending an adult's birth certificate when genetic testing identifies a parent who was not known or listed at the time of the adult's birth and the genetic parent to be named on the amended birth certificate either consents in writing to the amendment or is deceased. The bill provides that amendment of a birth certificate without the consent of the genetic parent to be named on the amended birth certificate does not affect the rights of inheritance or descent.

Enacted Law Summary

Public Law 2017, chapter 5 repeals the current law governing amendment of the birth certificate of an adult and creates a new process for amending an adult's birth certificate when genetic testing identifies a parent who was not known or listed at the time of the adult's birth and the genetic parent to be named on the amended birth certificate either consents in writing to the amendment or is deceased. It provides that amendment of a birth certificate without the consent of the genetic parent to be named on the amended birth certificate does not affect the rights of inheritance or descent.

LD 87 An Act To Require Screening for Cytomegalovirus in Newborn Infants ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C DENNO D	ONTP	

This bill requires the testing of all newborn infants for cytomegalovirus by a saliva or urine sample no later than 21 days after birth. It requires the Department of Health and Human Services to develop public educational materials regarding cytomegalovirus for pregnant women and women who may become pregnant.

Joint Standing Committee on Health and Human Services

**LD 106 An Act To Provide MaineCare Coverage for Dental Services to Adults
with Intellectual Disabilities or Autism Spectrum Disorder**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D CHIPMAN B	OTP-AM ONTP	H-245

This bill directs the Department of Health and Human Services to extend MaineCare dental services to a person 21 years of age or older who receives services under Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21 or 29. The bill provides that dental services provided to such a person must be the same as those provided under the MaineCare program to an eligible person under 21 years of age.

Committee Amendment "A" (H-245)

This amendment, which is the majority report of the committee, clarifies the application of the bill, which requires reimbursement under the MaineCare program for dental services to an adult with an intellectual disability or autism spectrum disorder, by:

1. More clearly defining the requirement that the persons be eligible under the so-called Sections 21 and 29 waivers, without referring to departmental rule citations that may change over time; and
2. Providing that reimbursement is in addition to any home and community-based support benefits provided to a person and may not be included in any cap or other limitation on the home and community-based support benefits that the person may receive.

The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 107 An Act To Increase the Effectiveness of Opioid Addiction Therapy

ONTP

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

This bill repeals the 24-month limit on MaineCare coverage or reimbursement for buprenorphine and naloxone combination drugs, also known as Suboxone, for the treatment of addiction to opioids.

**LD 108 An Act To Allow a Law Enforcement Agency That Treats a Person with
Naloxone Hydrochloride To Bill That Person for That Treatment**

**Died Between
Houses**

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

This bill provides that, when a member of a law enforcement agency or a municipal fire department administers naloxone hydrochloride, the law enforcement agency or municipal fire department may seek and receive reimbursement for the cost of that treatment from the person to whom the treatment was provided.

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Committee Amendment "A" (H-131)

This amendment, which is the minority report of the committee, clarifies that the legal guardian of a person who receives naloxone hydrochloride may be billed for the cost.

This amendment was not adopted.

LD 144 An Act To Create a Pilot Project To Reduce Substance Use Disorders among Youth in Piscataquis County To Be Used as a Model for All Maine Communities

Accepted Majority (ONTP) Report

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

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

This bill proposes to establish a comprehensive, evidence-based pilot project in selected Piscataquis County communities and schools with the goal of reducing the harmful effects of substance use disorder and addiction. The pilot project will use best practices for screening high-risk children, early intervention and community and family support to prevent addiction and promote public health and safety. The pilot project must be administered by a local nonprofit entity with expertise in management and in the subject matter of the project.

The bill provides funding for the planning and implementation of the pilot project, including, but not limited to, funding to:

1. Employ one full-time person to lead and manage the implementation of the project;
2. Engage outside consultants with expertise in planning, evaluation, training and technical assistance;
3. Convene community partners to leverage local, state and federal resources;
4. Train school staff and others working with priority populations;
5. Screen and provide early intervention to children and families most at risk for substance use disorder and its related implications;
6. Build school and community capacity to mitigate trauma and improve resilience; and
7. Promote understanding of and decrease stigma surrounding substance use disorder.

The bill also provides funding for a professional evaluation of the pilot project and requires a report to the Legislature on the pilot project's effectiveness and ease of replication in other communities that are being affected by the opiate epidemic.

Committee Amendment "A" (H-299)

This amendment replaces the bill, which is a concept draft, and is the minority report of the committee. The amendment establishes a pilot project in Piscataquis County to plan, implement and evaluate a comprehensive, evidence-informed program to prevent substance use disorder and addiction that may be used as a model for other Maine communities. The pilot project must be administered by the following three local nonprofit entities that have expertise in management and in reducing the harmful effects of substance use disorder and addiction: Piscataquis

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County Economic Development Council, which must act as the fiscal agent for the project; Mayo Regional Hospital; and Helping Hands with Heart. The amendment includes an appropriation of \$350,000 over the 2018-2019 fiscal biennium. The Department of Health and Human Services must convey the contracted evaluation and replicability report of the project to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than November 30, 2018, and the committee may report out legislation related to the report to the First Regular Session of the 129th Legislature.

This amendment was not adopted.

LD 153 An Act Regarding Transportation of Methadone Patients ONTP

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

This bill prohibits the operating of a motor vehicle by a person who is receiving methadone for treatment of opioid dependency or for use as a pain medication. The bill requires the Secretary of State to amend its Chapter 3 rules, "Physical, Emotional and Mental Competence to Operate a Motor Vehicle," to require a health care practitioner or facility that is treating an individual with methadone to report to the Department of the Secretary of State, Bureau of Motor Vehicles. It provides that these rules are routine technical rules.

LD 161 An Act To Remove the Treasurer of State from the Maine Vaccine Board PUBLIC 7

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A CHIPMAN B	OTP	

This bill removes the Treasurer of State as a member of the Maine Vaccine Board.

Enacted Law Summary

Public Law 2017, chapter 7 removes the Treasurer of State as a member of the Maine Vaccine Board.

LD 162 An Act To Improve Care Provided to Forensic Patients Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D KATZ R	OTP-AM ONTP	H-482

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

This emergency bill proposes to require the Department of Health and Human Services to implement a plan to improve the care of forensic patients at Riverview Psychiatric Center and Dorothea Dix Psychiatric Center by developing additional resources to ensure patients are receiving appropriate care in an appropriate treatment setting.

Committee Amendment "A" (H-482)

This amendment is the majority report of the committee and replaces the bill, which is a concept draft. The amendment establishes a residential forensic step-down facility in Augusta in the Capitol Area. It defines "forensic

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step-down facility." It authorizes the Commissioner of Health and Human Services to maintain and operate the 21-bed forensic step-down facility. It provides that the facility must be licensed and that the Department of Health and Human Services must adopt rules that apply specifically to the licensure of a forensic step-down facility and that include the admission and discharge standards of the facility, the staffing model, security, patients' access to treatment and patient rights protections. It requires that the department provisionally adopt rules to implement the licensure of the forensic step-down facility no later than January 12, 2018. It creates an advisory committee to participate in and guide the planning process for the facility and to report to the Joint Standing Committee on Health and Human Services. It authorizes the committee to report out a bill based on the advisory committee's report. It requires the department to report to the committee on the progress of creating the facility and developing rules. It provides that the transfer of any forensic patients into the forensic step-down facility must be approved by a court of appropriate jurisdiction. It includes the forensic step-down facility in Title 34-B, chapter 1 as a "state institution." This amendment incorporates a fiscal note.

LD 166 An Act To Increase Reimbursement for Child Care Services

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N HANDY J		

This bill repeals unallocated language in Public Law 2011, chapter 380, Part UU that set the child care subsidy payment rates of the Department of Health and Human Services at the 50th percentile of local market rates. This bill increases the payment rates to the 75th percentile of local market rates for payments the department makes on behalf of recipients of benefits under the child care subsidy program, recipients of benefits under TANF and recipients of benefits under ASPIRE-TANF.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 183 An Act Requiring the Use of the Electronic Death Registration System

PUBLIC 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K CUSHING A	OTP-AM	H-20

This bill requires that, except for certificates filed by family members and domestic partners of the deceased, a certificate of death be filed using the electronic death registration system maintained by the State Registrar of Vital Statistics.

Committee Amendment "A" (H-20)

This amendment clarifies that a person authorized to complete or file a certificate of death, except for a certificate filed by a family member or domestic partner of the deceased, must use the electronic death registration system maintained by the State Registrar of Vital Statistics. This amendment also adds an effective date.

Enacted Law Summary

Public Law 2017, chapter 37 requires a person authorized to complete or file a certificate of death, except for a certificate filed by a family member or domestic partner of the deceased, to use the electronic death registration system maintained by the State Registrar of Vital Statistics.

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LD 184 An Act To Allow Hospitals To More Efficiently Monitor the Prescribing of Controlled Substances by Amending the Laws Governing Access to Prescription Monitoring Information

PUBLIC 87

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

The purpose of this bill is to allow a hospital to more efficiently monitor the prescribing of controlled substances by its employed prescribers by authorizing a hospital's chief medical officer, medical director or other similar individual employed by the hospital to access prescription monitoring information.

Committee Amendment "A" (H-175)

This amendment clarifies that an administrative prescriber employed by a licensed hospital may access prescription monitoring information.

Enacted Law Summary

Public Law 2017, chapter 87 allows a hospital's chief medical officer, medical director, or administrative prescriber employed by the hospital to access prescription monitoring information.

LD 185 An Act To Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse Disorders

PUBLIC 184

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM ONTP	H-192

This bill requires the Department of Health and Human Services and the department's office of substance abuse and mental health services to apply by January 1, 2018, for authorization from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to develop a pilot project to treat alcohol abuse disorders, substance abuse disorders and co-occurring disorders using the National Acupuncture Detoxification Association auricular acupuncture protocol. The bill requires the department to consult with a statewide association representing licensed acupuncturists in the establishment of treatment standards. The bill requires that the treatment be provided by staff who are licensed to practice acupuncture in the State and whose licenses are in good standing. The project may last no longer than two years and must be reimbursable as allowed under the United States Social Security Act and be cost-neutral or result in savings to the MaineCare program. The department and the office must report their findings to the joint standing committee of the Legislature having jurisdiction over health and human services matters at the end of the project.

Committee Amendment "A" (H-192)

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

Enacted Law Summary

Public Law 2017, chapter 184 requires the Department of Health and Human Services and the department's office of substance abuse and mental health services to apply by January 1, 2018, for authorization from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to develop a pilot project to treat alcohol abuse disorders, substance abuse disorders and co-occurring disorders using the National Acupuncture Detoxification Association auricular acupuncture protocol. It requires the department to consult with a statewide association representing licensed acupuncturists in the establishment of treatment standards. It requires

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that the treatment be provided by staff who are licensed to practice acupuncture in the State and whose licenses are in good standing. It provides that the project may last no longer than two years and must be reimbursable as allowed under the United States Social Security Act and be cost-neutral or result in savings to the MaineCare program. It requires the department and the office to report their findings to the joint standing committee of the Legislature having jurisdiction over health and human services matters at the end of the project.

LD 186 An Act To Improve Peer Support Services

CARRIED OVER

Sponsor(s)
GATTINE D

Committee Report

Amendments Adopted

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

This bill proposes to improve peer support services provided to consumers of mental health services who are clients of the Department of Health and Human Services.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 219 An Act To Prioritize Use of Available Resources in General Assistance Programs

Died Between Houses

Sponsor(s)
BRAKEY E

Committee Report
ONTP
OTP-AM

Amendments Adopted

This bill makes an applicant for general assistance who voluntarily abandons or refuses to use an available resource without just cause ineligible to receive general assistance to replace the abandoned or refused resource for a period of 120 days from the date the applicant abandons or refuses the resource. The bill defines "available resource" as a resource that is immediately available or can be secured without delay. The bill also makes an applicant who forfeits an available resource due to fraud, misrepresentation or intentional violation or refusal to comply with rules without just cause ineligible to receive general assistance to replace the forfeited resource for the duration of the sanction imposed on the applicant for violation of a rule or 120 days, whichever is greater. The bill identifies circumstances relating to use of an available resource under which just cause must be found.

Committee Amendment "A" (S-62)

This amendment, which is the minority report of the committee, adds a cross-reference to provide that a person who is disqualified from general assistance for a violation of the provisions of the bill is ineligible for emergency general assistance.

This amendment was not adopted.

LD 220 An Act To Align Time Limits in the Municipal General Assistance Program and Temporary Assistance for Needy Families Program

Died Between Houses

Sponsor(s)
BRAKEY E

Committee Report
ONTP
OTP-AM

Amendments Adopted

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This bill provides that a person who has exhausted the 60-month lifetime limit on Temporary Assistance for Needy Families program benefits is ineligible to receive municipal general assistance program benefits, except that a person who has been ineligible to receive benefits under the Temporary Assistance for Needy Families program for five or more years may be considered eligible and a person who is in the process of seeking an extension of benefits under the Temporary Assistance for Needy Families program may be considered eligible.

Committee Amendment "A" (S-61)

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

This amendment was not adopted.

LD 221 An Act To Amend the Laws Regarding the Municipality of Responsibility for General Assistance Applicants Released from a State Correctional Facility or County Jail Facility

PUBLIC 130

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G PIERCE J	OTP ONTP	

This bill repeals a provision of law that provides that when a general assistance applicant applies for benefits within 45 days of being released from a correctional facility, the municipality of financial responsibility for a period of 12 months is the applicant's municipality of residence prior to incarceration.

Enacted Law Summary

Public Law 2017, chapter 130 repeals a provision of law that had provided that when a general assistance applicant applied for benefits within 45 days of being released from a correctional facility the municipality of financial responsibility for a period of 12 months was the applicant's municipality of residence prior to incarceration.

LD 223 An Act To Ensure the Timely Final Disposition of Human Remains

PUBLIC 38

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM ONTP	S-14

This bill provides that the remains or dead body is considered abandoned if the person who has custody and control does not make a decision regarding disposition within 30 days.

Committee Amendment "A" (S-14)

This amendment removes the provision in the bill regarding when remains or a dead body is considered abandoned and changes the title. It provides that a funeral director or practitioner may bury remains or a dead body if the person who has custody and control of the remains or dead body does not complete decision making regarding final disposition within 30 days of the person taking custody or control.

Enacted Law Summary

Public Law 2017, chapter 38 provides that a funeral director or practitioner may bury remains or a dead body if the person who has custody and control of the remains or dead body does not complete decision making regarding final disposition within 30 days of the person taking custody or control.

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LD 226 An Act To Protect and Improve the Health of Maine Citizens and the Economy of Maine

Leave to Withdraw Pursuant to Joint Rule

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

This bill authorizes the State to accept federal funds to provide health insurance coverage to adults with incomes equal to or below 133% plus 5% of the nonfarm income official federal poverty line for the applicable family size. The bill provides for persons with incomes equal to or below 100% of the nonfarm income official poverty line to receive coverage through the MaineCare program. The bill authorizes the Commissioner of Health and Human Services to seek approval to provide that persons with income levels over 100% of the federal poverty line and up to 133% of the federal poverty line may receive coverage from a private health insurance plan or other mechanisms. In the event that the commissioner uses this authority, the bill provides that any funds made available from unexpended state matching funds must be used to help ensure that those persons with income levels between 100% and 133% of the federal poverty line receive affordable and comprehensive health coverage. The bill provides for measures to be taken in the event that federal funding is reduced, so that the Legislature may act promptly to address the consequences of this action. The bill also authorizes the Department of Health and Human Services to contract with health insurance plans to provide coverage in order to maximize savings and to ensure access to and quality of services. The bill authorizes the Department of Health and Human Services to apply for and accept private foundation grants to be used to cover the cost of preparing and submitting any waivers and state plan amendments to the Federal Government required as a result of expanding health care coverage.

The bill sets forth time standards for the start of the expansion of health care coverage, for submission of requests to obtain necessary federal approvals and for ongoing reporting to the Legislature during the start-up phase of this expansion. The bill requires further reporting on the status of any savings generated to state-funded programs as a result of this expansion. It requires the Department of Administrative and Financial Services, Maine Revenue Services to report no later than 60 days following the end of the first 12 months of enrollment under the expansion on revenues generated as a result of expanded coverage. It requires that savings and revenues be verified by the Office of Fiscal and Program Review within 90 days after the end of the first 12 months of enrollment under the expansion. It transfers any savings to the MaineCare Stabilization Fund prior to the next fiscal year. It requires the Office of Fiscal and Program Review to report its findings to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to the joint standing committee having jurisdiction over appropriations and financial affairs.

LD 230 An Act To Increase Access to Head Start

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MCELWEE C	OTP-AM OTP-AM ONTP	S-66

This bill provides funding for the delivery of Head Start services.

Committee Amendment "B" (S-67)

This amendment is the minority report of the committee. The amendment changes the funding from the General Fund to the Federal Block Grant Fund, with the funds to be delivered through the Temporary Assistance for Needy

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Families program.

This amendment was not adopted.

Committee Amendment "A" (S-66)

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

Public Law 2017, chapter 284, the biennial budget, includes an appropriation of funding for Head Start.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 232 An Act To Establish an Exemption to the 30-day Supply Limitation on ONTP
Certain Pain Medication

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

This bill allows an individual licensed to prescribe opioid medication to prescribe no more than a six-month supply of an opioid medication to a patient under treatment for chronic pain who will be out of the country at the end of a 30-day period as provided under current law.

LD 238 An Act To Amend the Maine Medical Use of Marijuana Act CARRIED OVER

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

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

This bill proposes to amend the Maine Medical Use of Marijuana Act.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 261 Resolve, Directing the Department of Health and Human Services To ONTP
Prepare for Implementation of the Federal Family First Prevention
Services Act

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

This resolve requires the Department of Health and Human Services to monitor the progress of the federal Family First Prevention Services Act or any other federal law that makes significant changes to foster care under Title IV-E of the United States Social Security Act. The resolve requires the Department of Health and Human Services to report to the Joint Standing Committee on Health and Human Services regarding the progress and with any recommendations for legislation. It authorizes the committee to report out legislation related to the report and recommendations.

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LD 262 An Act To Strengthen Kinship Care Opportunities ONTP

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

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

This bill proposes allowing the transfer of public assistance and other financial benefits to an able and willing caregiver who is a relative of a child when the child's parent or guardian is unable to provide care for the child.

LD 263 An Act To Provide Additional Assistance for the Elderly and Persons with Disabilities Receiving Food Supplement Program Benefits ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S CHIPMAN B	ONTP	

This bill requires the State to ensure that a household that includes a member who is elderly or disabled and that receives a federally funded benefit under the statewide food supplement program receives a minimum benefit of \$30 per month by providing a supplemental benefit if necessary.

LD 264 An Act To Provide to Certain Benefit Recipients Information Regarding Personal Finance Planning and To Distribute Benefits More Frequently ONTP

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

This bill accomplishes the following.

1. It makes food supplement program benefits and Temporary Assistance for Needy Families, or "TANF," benefits payable on a semimonthly schedule.
2. It requires the Department of Health and Human Services to provide recipients of food supplement program benefits and TANF benefits with information about online and community resources on money management.

LD 265 An Act Concerning Screening of Newborns for Lysosomal Storage Disorders Accepted Majority (ONTP) Report

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

This bill requires the Department of Health and Human Services to amend its rules in Chapter 283 relating to the newborn screening program by January 1, 2018, to add to the program the lysosomal storage disorders known as Krabbe, Pompe, Gaucher, Fabry and Niemann-Pick diseases. It directs the department to explore options to enter into contracts with other states to test samples collected for lysosomal storage disorders.

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Committee Amendment "A" (H-110)

This amendment is the minority report of the committee. It limits the lysosomal storage disorders addressed in the bill to Krabbe disease and adds an appropriations and allocations section to cover the additional costs of screening.

This amendment was not adopted.

LD 266 An Act Regarding Funding for Children's Behavioral Health Day Treatment

Accepted Majority (ONTP) Report

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

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

This bill proposes to examine rates paid by the Department of Health and Human Services, Department of Education and school administrative units for children's behavioral health day treatment and the survey and rate review process used to set these rates.

Committee Amendment "A" (H-259)

This amendment, which is the minority report of the committee, requires that the Department of Health and Human Services reimburse the Collaborative School in New Gloucester at reimbursement rates no less than the rates in place and being used for reimbursement for services as of July 1, 2016 under rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services unless the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services does not permit reimbursement at these rates. Any reductions in reimbursement that result for these services as a result of the Burns and Associates April 24, 2017 review of rates for behavioral health and targeted case management services may not apply to services at the Collaborative School.

This amendment was not adopted.

Public Law 2017, chapter 284, the biennial budget, included a moratorium on any changes to reimbursement rates reviewed by Burns & Associates, Inc. until June 30, 2019, unless legislative approval is received.

LD 267 Resolve, To Increase Certain Chiropractic Reimbursement Rates under the MaineCare Program

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J SAVIELLO T	OTP-AM	H-21

This resolve directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15 to increase reimbursement rates for chiropractic services for manipulative treatments under procedure codes 98940, 98941 and 98942 to no less than \$30 per treatment. It provides that the rules are routine technical rules and must be amended no later than January 1, 2018.

Committee Amendment "A" (H-21)

This amendment replaces the resolve. It requires the Department of Health and Human Services, by January 1, 2018, to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15 to increase

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reimbursement rates for chiropractic services for manipulative treatments under procedure codes 98940, 98941 and 98942 to no less than 70% of the federal Medicare reimbursement rate for these services as long as the rate is no lower than the rate reimbursed as of January 1, 2017. If the department conducts a rate study of chiropractic services for manipulative treatments, the department may adopt new rates. It provides that the rules adopted are routine technical rules. The amendment adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 268 An Act To Restrict Cash Access for Electronic Benefit Transfer Cards Died Between Houses

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

This bill provides that benefits received through the electronic benefits transfer system may be redeemed only through purchase by electronic transfer and may not be redeemed for cash. This bill requires the Department of Health and Human Services to establish a rule to create a system that would limit purchases at the point of sale to those goods and services allowed by law.

Committee Amendment "A" (H-479)

This amendment is the minority report of the committee and replaces the bill. It requires, beginning January 1, 2018, a recipient of Temporary Assistance for Needy Families, or TANF, benefits to retain a receipt for every transaction the recipient makes using TANF benefits under the electronic benefits transfer system. It authorizes the Department of Health and Human Services to audit up to 2% of TANF recipients for transactions occurring over periods of up to six months. The amendment provides that if the department determines that a transaction of a recipient was improper under state or federal law, the department is authorized to deduct the amount of the transaction from a recipient's benefits for the following month. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

LD 269 An Act To Provide Training for Caregivers of Children with Autism and Related Disorders ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S VITELLI E	ONTP	

This bill requires the Department of Health and Human Services to provide a semiannual training course regionally throughout the State for parents, family members and guardians of children with autism spectrum disorder and community providers of services for children with autism spectrum disorder.

LD 270 An Act To Consolidate Administration of Kinship Care and Relative Placement Issues within the Department of Health and Human Services CARRIED OVER

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

Joint Standing Committee on Health and Human Services

This bill requires the Commissioner of Health and Human Services to appoint one person to administer all issues related to the placement of a child with a relative.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 272 An Act Requiring Meningococcal Meningitis Vaccinations for Teenagers CARRIED OVER

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

This bill requires the Department of Health and Human Services and the Department of Education to adopt rules requiring that students 11 years of age or older and under 20 years of age receive meningococcal meningitis immunizations.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 273 An Act To Add an Exception to Prescription Monitoring Program Requirements PUBLIC 122

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P BREEN C	OTP-AM	H-203

This bill expands the exception to the requirement to check prescription monitoring information when a health care professional orders or administers the medication to a person in an emergency room, an inpatient hospital, a long-term care facility or a residential care facility to include when a health care professional orders, prescribes or administers medication to a person suffering from pain associated with cancer treatment or end-of-life, palliative or hospice care.

Committee Amendment "A" (H-203)

This amendment limits the exceptions in the bill to the requirement to check the prescription monitoring program to end-of-life and hospice care and removes the references to cancer treatment and palliative care.

Enacted Law Summary

Public Law 2017, chapter 122 provides an exception to the requirement to check prescription monitoring information when a health care professional orders, prescribes or administers medication to a person suffering from pain associated with end-of-life or hospice care.

LD 274 An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J HILL D		

This bill implements the recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers. The bill clarifies requirements for criminal background checks for child care providers and child care staff members.

Joint Standing Committee on Health and Human Services

Committee Amendment "B" (H-534)

This amendment, which is one of two minority reports of the committee, provides that an individual who is not supervised by a child care staff member of a family child care provider or child care facility who has passed the required criminal background check under the Maine Revised Statutes, Title 22, sections 8302-A and 8302-B and who has access to children who are cared for or supervised by a child care facility or family child care provider is required to pass a criminal background check pursuant to 42 United States Code, Section 9858f(b). It also provides that a person who provides day care in that person's home for one or two children whose care is paid for by state or federal funds is required to pass a criminal background check pursuant to 42 United States Code, Section 9858f(b). It provides that the cost of the required criminal background checks under Title 22, sections 8302-A and 8302-B be paid for by the Department of Health and Human Services from the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. It grants the Department of Health and Human Services the authority to request state and national criminal history information, including fingerprint-based criminal history information, for certain child care providers and staff members. It establishes a temporary waiver process when the background check requirement presents a hardship for the child care provider. The rules adopted by the department must minimize the impact of the temporary waiver on the safety of the children receiving child care services. This amendment adds an appropriations and allocations section.

This amendment was not adopted.

Committee Amendment "A" (H-533)

This amendment, which is the majority report of the committee, provides that an individual who is not supervised by a child care staff member of a family child care provider or child care facility who has passed the required criminal background check under the Maine Revised Statutes, Title 22, sections 8302-A and 8302-B and who has access to children who are cared for or supervised by a child care facility or family child care provider is required to pass a criminal background check pursuant to 42 United States Code, Section 9858f(b). It also provides that a person who provides day care in that person's home for one or two children whose care is paid for by state or federal funds is required to pass a criminal background check pursuant to 42 United States Code, Section 9858f(b). It provides that the cost of the required criminal background checks under Title 22, sections 8302-A and 8302-B be paid for by the Department of Health and Human Services from the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. It grants the Department of Health and Human Services the authority to request state and national criminal history information, including fingerprint-based criminal history information, for certain child care providers and staff members. This amendment adds an appropriations and allocations section.

This amendment was not adopted.

Committee Amendment "C" (H-535)

This amendment, which is one of two minority reports of the committee, removes the requirement that a family child care provider, the staff of a family child care provider or child care facility or other adult who has unsupervised access to children who are cared for or supervised by the family child care provider or child care facility undergo a criminal background check that meets the requirements of 42 United States Code, Section 9858f(b). This amendment adds an appropriations and allocations section.

This amendment was not adopted.

This bill was reported out of committee and then recommitted to the committee; it was then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on Health and Human Services

LD 307 An Act To Facilitate the Implementation of Mobile Narcotic Treatment Programs in Rural Counties in the State ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G KORNFIELD T	ONTP	

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

This bill proposes to facilitate the implementation of mobile narcotic treatment programs in rural counties in the State in order to ensure access to treatment for patients who reside remotely from, or lack transportation to, other narcotic treatment programs.

LD 320 An Act To Provide MaineCare Coverage for Chiropractic Treatment CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N MARTIN J	OTP-AM ONTP	S-199

This bill requires all chiropractic services that are approved by the Board of Chiropractic Licensure and performed by a chiropractic doctor to be reimbursed under the MaineCare program. The bill provides that the Department of Health and Human Services may adopt routine technical rules to implement this requirement.

Committee Amendment "A" (S-199)

This amendment, which is the majority report of the committee, modifies the bill to limit the bill's required reimbursement for chiropractic services under the MaineCare program to chiropractic evaluation and management examinations. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 323 An Act To Fully Fund the Waiting List for the Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder Waiver CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R LANGLEY B	OTP-AM	H-257

This bill provides to the Department of Health and Human Services the funding to fully fund the waiting list for community-based services provided under the MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autistic disorder.

Committee Amendment "A" (H-257)

This amendment updates the funding in the bill to reflect new estimates.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

Joint Standing Committee on Health and Human Services

LD 324 An Act To Allow Corrections Officers To Administer Naloxone

**PUBLIC 220
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R CUSHING A	OTP-AM	H-191

This bill adds corrections officers to the list of persons authorized to administer naloxone hydrochloride.

Committee Amendment "A" (H-191)

This amendment clarifies that the authority to administer naloxone hydrochloride includes county and regional jail corrections officers as well as state corrections officers. The amendment specifies that a corrections officer must possess a certification from the Board of Trustees of the Maine Criminal Justice Academy in order to administer naloxone hydrochloride. The amendment also adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2017, chapter 220 adds state corrections officers and county and regional jail corrections officers to the list of persons authorized to administer naloxone hydrochloride. Corrections officer must possess a certification from the Board of Trustees of the Maine Criminal Justice Academy in order to administer naloxone hydrochloride.

Public Law 2017, chapter 220 was enacted as an emergency measure effective June 16, 2017.

LD 326 An Act Regarding the Licensing of Family Foster Homes

ONTP

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

This bill prohibits the Department of Health and Human Services from denying a license for a family foster home for the reason that a prospective foster parent residing in that home has a preexisting medical condition unless that medical condition would materially affect the safety or well-being of a child placed in that home.

LD 335 An Act To Expand Child Care Options for Children Placed with Older Kinship Guardians

ONTP

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

This bill requires the Department of Health and Human Services to reimburse 100% of the child care expenses incurred by an adult relative guardian of a minor if the guardian is 60 years of age or older and has an annual income of \$50,000 or less. The bill also prohibits the department from requiring the guardian to be employed a minimum number of hours per week in order to receive the reimbursement.

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LD 336 An Act To Amend the Requirements of the Temporary Assistance for Needy Families Program

PUBLIC 256

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DENNO D VOLK A	OTP-AM	H-298

This bill changes the laws governing public assistance by providing Temporary Assistance for Needy Families benefits and alternative aid benefits to two-parent families based on the same eligibility requirements as apply to single-parent families and increasing from \$200 to \$300 the special housing allowance for families receiving TANF benefits.

Committee Amendment "A" (H-298)

This amendment adds a new section to the bill to remove certain good cause provisions from the laws governing the ASPIRE-TANF program and instead transfer to the Department of Health and Human Services the responsibility to determine other good cause. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 256 changes the laws governing Temporary Assistance for Needy Families.

1. It establishes the same eligibility requirements for TANF and alternative aid benefits to two-parent families that apply to single-parent families.
2. It increases the special housing allowance for families receiving TANF benefits from \$200 to \$300.
3. It removes certain good cause provisions from the laws governing the ASPIRE-TANF program and instead transfers to the Department of Health and Human Services the responsibility to determine other good cause.

LD 347 An Act To Support Death with Dignity

Accepted Majority (ONTP) Report

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

This bill enacts a process for patient-directed care at the end of life for Maine residents who are adults who are terminally ill and who have been determined to have a limited life expectancy. The bill provides that such a patient has a right to information and includes requirements for patient and physician action and documentation in the patient's medical records of the steps taken. The bill authorizes a physician to prescribe a medication that the patient may self-administer for the purpose of hastening the patient's death. The bill provides protections for the physician, the patient's health care facility and health care providers. The bill protects the patient's life insurance and the health care providers' medical professional liability insurance. The bill protects the patient's right to palliative care. The bill requires rulemaking by the Department of Health and Human Services to provide for safe disposal of medications that are prescribed for end-of-life care and that are not used by the patient. The bill specifically states that nothing in the provisions of the bill may be construed to authorize a physician or other person to end a patient's life by lethal injection, mercy killing or active euthanasia. The bill specifically states that the provisions of the bill may not be construed to conflict with Section 1553 of the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010.

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Committee Amendment "A" (S-90)

This amendment is the minority report of the committee. It adds to the bill requirements that a physician must counsel a patient who is seeking medication in order to hasten the end of life regarding the importance of having another person present when the patient takes the medication, the importance of storing the medication safely and the possibility that the patient may choose not to take the medication. It also requires the physician to discuss with the patient, outside the presence of others, whether the patient feels unduly influenced.

This amendment was not adopted.

LD 358 An Act To Close the Gap in Children's Health Care Coverage in Maine Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M KATZ R	OTP-AM ONTP	H-260

This bill allows children of state employees to be eligible for the State Children's Health Insurance Program as long as they meet the other eligibility requirements.

Committee Amendment "A" (H-260)

This amendment provides funding to the Department of Health and Human Services to reflect the increased cost to the State Children's Health Insurance Program and deappropriates funds from the state employee health plan.

The substance of this bill is included in Public Law 2017, chapter 284.

LD 383 An Act To Increase Access to Child Care CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R HAMANN S		

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

This bill proposes to increase access to child care.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 384 An Act To Strengthen Maine Children's Mental Health CARRIED OVER

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

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

This bill proposes to require MaineCare to cover mental health treatment for a child that uses evidence-based

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practices, to include meetings with the parent of the child without the child present as long as the meetings are focused on the goals of the treatment.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 386 An Act To Establish Universal Health Care for Maine CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G HYMANSON P		

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

This bill proposes to establish a single-payor, universal health care system in the State. Portions of the system will be based on the single-payor system in place in Vermont and the single-payor proposals submitted previously in Maine and Colorado. The single-payor system proposed in this bill will also be responsive to any changes made on the federal level to the federal Affordable Care Act.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 401 An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H LANGLEY B	OTP-AM ONTP	H-109

This bill directs the Department of Health and Human Services to provide reimbursement to hospitals other than critical access hospitals for each day after the 10th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in a nursing facility. The reimbursement is to be paid prospectively at the statewide average rate per MaineCare member day for nursing facility services. The department is directed to implement this reimbursement for days awaiting placement for a period limited to five years. Reimbursement is limited to a maximum of \$500,000 of combined General Fund funds and federal funds for each year of the five-year period.

Committee Amendment "A" (H-109)

This amendment, which is the majority report of the committee, adds a start date of January 1, 2018, for the department to reimburse a hospital for the days a MaineCare-eligible individual is in the care of the hospital while awaiting placement in a nursing facility and adds language repealing the provision five years later.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 411 An Act To Add Addiction to or Dependency on Opiates or Prescription Drugs to the List of Qualifying Conditions for Medical Marijuana CARRIED OVER

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

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This bill adds addiction to or dependency on opiates or prescription drugs to the list of qualifying conditions for medical marijuana.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 447 An Act To Coordinate Services and Support Workforce Development for Substance Use Disorder Prevention and Peer Recovery Services ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J BEEBE-CENTER P	ONTP	

This bill has three parts, Part A, requires the Department of Health and Human Services to fund, through a request for proposals, a position to coordinate substance use disorder prevention, advocacy, education and community outreach statewide and a position to coordinate peer recovery support services efforts for substance use disorder recovery statewide. The request for proposals must be issued no later than January 1, 2018, and the funds awarded beginning no later than July 1, 2018.

Part B of this bill provides funding for the request for proposals in Part A. Part B also provides ongoing funding for an annual in-state conference regarding substance use disorder prevention, treatment and recovery.

Part C of this bill requires the transfer of funds to the unappropriated surplus of the General Fund from the Medical Use of Marijuana Fund for the purposes of this bill.

LD 448 An Act To Fund Research on Cancer in Firefighters ONTP

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

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

This bill proposes to appropriate funds for research on cancer in firefighters.

LD 451 An Act To Continue MaineCare Coverage for Parents during the Rehabilitation and Reunification Process Died Between Houses

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

This bill requires the Department of Health and Human Services to continue to provide MaineCare coverage to a parent who is a MaineCare member and who is participating in rehabilitation and reunification efforts in accordance with a rehabilitation and reunification plan. The bill requires the department to continue coverage until the discontinuance of reunification efforts or parental rights are terminated, whichever is earlier.

Committee Amendment "A" (S-105)

This amendment, which is the majority report of the committee, requires the Department of Health and Human

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Services to submit a waiver request no later than January 1, 2018, to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the provisions of the Maine Revised Statutes, Title 22, section 3174-ZZ. The department is required to take all reasonable and necessary steps to seek approval of the waiver. Upon approval of the waiver, the department is directed to adopt rules no later than 180 days after receiving approval. The department is required to report its progress in seeking a waiver and implementing rules on a quarterly basis beginning October 1, 2017, until the process is complete. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 454 An Act To Ensure Safe Drinking Water for Families in Maine

PUBLIC 230

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K THIBODEAU M	OTP-AM ONTP OTP-AM	H-270

This bill expands the scope of the chapter regulating public water systems used for human consumption to include residential wells, and adds a new subchapter on private drinking water wells. The bill includes the following provisions.

1. Uniform recommendations. It requires the Department of Health and Human Services to develop a uniform recommendation for the testing of contaminants in residential private drinking water wells that are otherwise exempt from state and federal safe drinking water laws. It requires that anyone who recommends or provides testing of, or provides education or advertisements related to testing shall clearly identify the uniform recommendations.
2. Test results. The bill requires that laboratories provide the test results to the department for the purpose of recording multiple tests for the same well. It requires the department to keep addresses confidential.
3. Education. The bill requires the department to conduct educational outreach regarding the potential health effects of contaminants and the need for testing residential private drinking water wells. The bill requires the Maine Water Well Commission to develop educational materials to be distributed when a residential private drinking water well is drilled or deepened to inform the owners of the importance of testing for arsenic and other contaminants.
4. Fees. The bill establishes the Private Well Safe Drinking Water Fund to support educational outreach and to improve testing rates of residential private drinking water wells. The fund is funded by fees on individuals or entities ordering a water test on a residential private drinking water well by the Health and Environmental Testing Laboratory within the department. This fee is not to exceed \$10 and is in addition to any fee charged by the department for the test itself (not to exceed \$150).
5. Rental property. The bill requires landlords or building managers of residential rental property that uses a residential private drinking water well to obtain a water test every three to five years. The tests must be disclosed to the current inhabitants and to any prospective tenants.
6. Water testing guide. The bill requires that the State lab update its water testing guide and related information on the publically accessible website to be consistent with this Act. The update must have a clear, simple-to-understand and prominent recommendation for testing of residential private drinking water wells.

Committee Amendment "A" (H-270)

This amendment is the majority report of the committee and makes the following changes to the bill. It removes the

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requirement for private laboratories that test residential private drinking water wells to submit the test results to the Department of Health and Human Services. It adds additional enumerated contaminants or properties to be included in the uniform testing recommendation. It requires the department to update its education and outreach materials as needed and to recommend water testing through a state-certified laboratory.

The amendment removes the requirement for landlords to conduct water tests. It provides that the allocations from the Private Well Safe Drinking Water Fund may be used to defray costs resulting from the department's waiver of fees for water supply testing upon a showing of indigency. It requires that the advisory committee for the Private Well Safe Drinking Water Fund include representatives from at least two state-certified laboratories. It requires that the Maine Water Well Commission distribute educational materials to landowners when a residential private drinking water well is drilled or deepened.

This amendment also provides funding to the Department of Health and Human Services for additional water testing and other duties of the department related to the requirements of the bill.

Committee Amendment "B" (H-271)

This amendment is a minority report of the committee and makes the following changes to the bill. It removes the requirement for private laboratories that test residential private drinking water wells to submit the test results to the Department of Health and Human Services. It adds additional enumerated contaminants or properties to be included in the uniform testing recommendation. It requires the department to update its education and outreach materials as needed and to recommend water testing through a state-certified laboratory.

The amendment provides that the allocations from the Private Well Safe Drinking Water Fund may be used to defray costs resulting from the department's waiver of fees for water supply testing upon a showing of indigency. It requires that the advisory committee for the Private Well Safe Drinking Water Fund include representatives from at least two state-certified laboratories. It requires that the Maine Water Well Commission distribute educational materials to landowners when a residential private drinking water well is drilled or deepened.

This amendment also provides funding to the Department of Health and Human Services for additional water testing and other duties of the department related to the requirements of the bill.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 230 requires the Department of Health and Human Services to develop a uniform recommendation for the testing of contaminants and properties of water in residential private drinking water wells that are otherwise exempt from state and federal safe drinking water laws. It specifies which contaminants and properties must be included in the testing. It requires the Department of Health and Human Services to revise and update its education and outreach materials as needed. It provides that the allocations from the Private Well Safe Drinking Water Fund may be used to defray costs resulting from the department's waiver of fees for water supply testing upon a showing of indigency. It requires that the advisory committee for the Private Well Safe Drinking Water Fund include representatives from at least two state-certified laboratories. It requires that the Maine Water Well Commission distribute educational materials to landowners when a residential private drinking water well is drilled or deepened. It also provides funding to the Department of Health and Human Services for additional water testing and other duties of the department related to the requirements of the bill.

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LD 455 An Act Relating to the Provision of Nicotine Replacement Products by Pharmacists

PUBLIC 185

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHACE P BELLOWS S	OTP-AM	H-204

This bill amends the laws governing the practice of pharmacy to expressly include tobacco cessation counseling services and the furnishing of nicotine replacement products approved by the federal Food and Drug Administration. It also requires pharmacists to be reimbursed by the MaineCare program for these services. It requires the Department of Health and Human Services to adopt rules by January 1, 2018, for the reimbursement of pharmacists for counseling services. It also requires the Department of Professional and Financial Regulation, Maine Board of Pharmacy to adopt rules by January 1, 2018, in consultation with the Board of Licensure in Medicine for the provision of tobacco cessation counseling services by pharmacists and the furnishing by pharmacists of nicotine replacement products that are approved by the federal Food and Drug Administration.

Committee Amendment "A" (H-204)

This amendment, like the bill, amends the definition of "practice of pharmacy." The bill changes the definition to include counseling related to tobacco cessation products. The amendment strikes that change and instead includes the ordering and dispensing of over-the-counter nicotine replacement products as part of the definition. It removes from the bill the provisions regarding reimbursement and rulemaking.

Enacted Law Summary

Public Law 2017, chapter 185 amends the definition of "practice of pharmacy" to include counseling the ordering and dispensing of over-the-counter nicotine replacement products.

LD 458 Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Late-filed Major Substantive Rule of the Department of Health and Human Services

**RESOLVE 6
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Enacted Law Summary

Resolve 2017, chapter 6 provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Resolve 2017, chapter 6 was finally passed as an emergency measure effective April 19, 2017.

Joint Standing Committee on Health and Human Services

LD 464 Resolve, Directing the Department of Health and Human Services To ONTP
Facilitate the Scheduling of Transportation for Persons with Disabilities

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

This resolve directs the Office of Aging and Disability Services within the Department of Health and Human Services to develop and maintain an accessible central database of transportation provider information and implement a statewide mobile application to facilitate the scheduling of transportation services for individuals with disabilities.

LD 470 An Act To Strengthen Maine's Hospitals and Increase Access to Health CARRIED OVER
Care

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

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

This bill, which would be contingent upon approval by the voters of the State at referendum, proposes to enact measures designed to increase access to health care for citizens of the State and strengthen Maine's hospitals.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 476 An Act To Clarify the Authority for Cremation PUBLIC 70

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

This bill clarifies that a funeral director or practitioner of funeral service with custody of abandoned remains or an abandoned dead body has the option to bury or cremate those remains or that dead body.

Committee Amendment "A" (H-84)

This amendment is the minority report of the committee. It prohibits a funeral director or practitioner of funeral service from cremating abandoned remains or an abandoned dead body if the funeral director or practitioner of funeral service has knowledge that cremation conflicts with the deceased person's religious tenets and practices.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 70 clarifies that a funeral director or practitioner of funeral service with custody of abandoned remains or an abandoned dead body has the option to bury or cremate those remains or that dead body.

Joint Standing Committee on Health and Human Services

LD 477 An Act To Prevent Long-term Welfare Dependency

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D BRAKEY E	ONTP	

This bill requires the Department of Health and Human Services to adopt rules requiring unemployed applicants for alternative aid who are seeking employment to participate in job search activities that are consistent with the job search activities for participants of the ASPIRE-TANF program.

LD 478 Resolve, To Require the Department of Health and Human Services To Implement the Department's Study of Ambulance Services

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D BRAKEY E	ONTP	

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

This resolve proposes to continue the efforts of the Department of Health and Human Services undertaken to conduct a rate study pursuant to Resolve 2015, chapter 87.

LD 479 An Act To Inform Patients of the Dangers of Addicting Opioids

PUBLIC 186

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D BRAKEY E	OTP-AM ONTP	H-246

This bill requires that a health care provider who is a prescriber of opioid medication must, before prescribing an opioid medication, inform the patient of the risks of using the opioid medication, including but not limited to the risk of forming an addiction to the opioid medication, and receive from the patient a written certification that the patient has been provided that information.

Committee Amendment "A" (H-246)

This amendment, which is the majority report of the committee, replaces the bill. Rather than requiring a prescriber of opioid medication to inform a patient of the risks of addiction, it requires health care entities that include prescribers of opioid medications to develop an opioid medication prescribing policy that includes risk assessment, informed consent and counseling on the risk of opioid use. The policy must be developed by January 1, 2018.

Enacted Law Summary

Public Law 2017, chapter 186 requires health care entities that include prescribers of opioid medications to develop an opioid medication prescribing policy that includes risk assessment, informed consent and counseling on the risk of opioid use. The policy must be developed by January 1, 2018.

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LD 480 An Act To Prioritize Access by Maine's Most Vulnerable Citizens to Welfare Resources

Accepted Majority (ONTP) Report

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

This bill accomplishes the following.

1. It repeals the provision that requires the Department of Health and Human Services to provide a food supplement program for noncitizens who are ineligible for benefits under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
2. It repeals the provision that requires the Department of Health and Human Services to provide supplemental security income for noncitizens who are ineligible for benefits under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
3. It repeals the provision that requires the Department of Health and Human Services to provide financial assistance under the Temporary Assistance for Needy Families program to noncitizens who are ineligible for benefits under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Committee Amendment "A" (H-302)

This amendment is the minority report of the committee. It creates a workforce development program to provide to legal immigrants English language classes, citizenship classes, financial literacy classes and training and support for adults and children seeking employment. It permits the Department of Health and Human Services to contract with an entity best suited to administer this program and allows the department to adopt rules to implement the program. The amendment provides for funding to implement the program.

This amendment was not adopted.

LD 481 An Act To Promote Workforce Participation

**PUBLIC 290
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H CARPENTER M	OTP-AM OTP-AM	H-326 H-548 STEWART H

This bill increases the amount of income earned by recipients of benefits under the Temporary Assistance for Needy Families program that is disregarded in determining the amount of benefits they receive. The amount of the disregard is lowered over time as recipients make the transition to stable employment.

Committee Amendment "A" (H-326)

This amendment, which is the majority report of the committee, removes the emergency preamble and emergency clause.

Committee Amendment "B" (H-327)

This amendment is the minority report of the Joint Standing Committee on Health and Human Services. The amendment specifies that beginning July 1, 2019, in determining benefit levels for TANF recipients who have

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earnings from employment, the Department of Health and Human Services must disregard from monthly earnings the following: for a recipient employed 40 or more hours per week and who meets work participation requirements as defined in federal TANF rules, 100% of the gross earned income for the first full month of employment and the next consecutive month of employment, 75% of the gross earned income for the next six consecutive months of employment and 50% of the gross earned income for each additional consecutive month of employment thereafter and for a recipient employed less than 40 hours per week and who meets work participation requirements as defined in federal TANF rules, 100% of the gross earned income for the first full month of employment, 75% of the gross earned income for the next six consecutive months of employment and 50% of the gross earned income for each additional consecutive month of employment thereafter.

The amendment strikes from the bill the department's prohibition on considering the following in determining benefit levels for TANF recipients: \$108 and 50% of the remaining earnings that are less than the federal poverty level. It also specifies that the department may disregard 100% of earnings for a recipient only one time in a 12-month period.

The amendment restores the provision in current law removed by the bill directing the department to disregard from monthly earnings all actual child care costs necessary for work, except that the department may limit the child care disregard to \$175 per month per child or \$200 per month per child under two years of age or with special needs.

The amendment also removes the emergency preamble and emergency clause.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-548)

This amendment replaces the income disregards for Temporary Assistance for Needy Families program recipients contained in the original bill and committee amendments with a one-time employment incentive payment of \$400 to a TANF recipient who enters employment and retains employment for the subsequent four months. This provision is repealed December 31, 2018. It retains the emergency preamble and emergency clause from the original bill.

Enacted Law Summary

Public Law 2017, chapter 290 provides for a one-time employment incentive payment of \$400 to a Temporary Assistance for Needy Families program recipient who enters employment and retains employment for the subsequent four months. This provision is repealed December 31, 2018.

Public Law 2017, chapter 290 was enacted as an emergency measure effective July 20, 2017.

LD 482 An Act To Repeal the Maine Certificate of Need Act of 2002

**Died Between
Houses**

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

This bill eliminates the requirement that a person must apply for and receive a certificate of need from the Department of Health and Human Services before introducing additional health care services and procedures in a market area.

Committee Amendment "A" (H-300)

This amendment adds an appropriations and allocations section.

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This amendment was not adopted.

Committee Amendment "B" (H-301)

This amendment is the minority report of the committee and makes the following changes to the bill. It changes the title of the bill. It allows hospitals to construct shell space if a hospital's application containing a request to increase bed capacity is granted for a number of beds lower than the number requested and if the applicant proceeds with the approved project within the time frame required by the Maine Revised Statutes, Title 22, section 346. The amendment provides that the construction of shell space may not exceed the square footage requested in the application, the square footage of the approved project by more than 15% and 15% of the cost of the approved project. The amendment provides that in order for a hospital to use the shell space it must apply for another certificate of need. It directs the Department of Health and Human Services to provisionally adopt routine technical rules implementing these provisions no later than January 15, 2018.

This amendment was not adopted.

LD 504 An Act To Support Evaluation of Opioid Diversion Efforts ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S STEWART H	ONTP	

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

This bill proposes to authorize the Department of Health and Human Services to contract with a research firm to perform an evaluation of the outcomes associated with various heroin and opioid prevention efforts across the State. The evaluation must address the outcomes associated with initiatives under which a person goes to a police station, asks for help with heroin or opioid addiction and is placed in a treatment center, in a detoxification facility or with a support service program. The bill proposes to provide state and federal funding related to substance use to fund the evaluation.

LD 517 An Act To Amend Principles of Reimbursement for Residential Care Facilities PUBLIC 304

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TUELL W	OTP-AM	S-91 S-321 HAMPER J

This bill requires the Department of Health and Human Services to permit capital expenditures by residential care facilities for new construction, acquisitions and renovations that are less than \$2,000,000 and to provide reimbursement without prior approval. It requires the department to provide an extraordinary circumstance allowance in permitted reimbursement to residential care facilities. It provides that costs incurred by a residential care facility to comply with federal or state laws, regulations and rules are considered reasonable and necessary costs. It removes from current law on reimbursement for services provided by a nursing facility the \$10,000 cap for the cost of a medical director and instead requires the department to provide in its calculation of reimbursement for services the cost incurred by the nursing facility for the cost of a medical director.

Committee Amendment "A" (S-91)

This amendment changes the allowance for a nursing facility medical director from \$10,000 to \$22,000. The bill proposes to remove the allowance cap entirely. The amendment changes the amount above which a residential care

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facility would need Department of Health and Human Services approval for new construction, acquisitions and renovations to \$500,000 rather than \$2,000,000 as in the bill. It also clarifies that residential facilities may be reimbursed for costs to comply with changes in local ordinances in addition to federal or state laws. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-321)

This amendment removes from the bill and Committee Amendment "A" the provisions regarding nursing facility medical director reimbursement. This amendment also removes the appropriations and allocations section added by Committee Amendment "A."

Enacted Law Summary

Public Law 2017, chapter 304 requires the Department of Health and Human Services to permit capital expenditures by residential care facilities for new construction, acquisitions and renovations that are less than \$500,000 and to provide reimbursement without prior approval. It also requires the department to provide an extraordinary circumstance allowance in permitted reimbursement to residential care facilities. It provides that costs incurred by a residential care facility to comply with federal or state laws, rules or local ordinances are considered reasonable and necessary costs.

LD 518 An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons

PUBLIC 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E	OTP-AM	S-45

This bill adds spouses and domestic partners to the list of relatives who are potentially responsible for the burial or cremation costs of a person who was eligible to receive municipal general assistance at the time of that person's death. The bill also strikes the provision of law that restricts potentially responsible relatives to persons who live or own property in Maine.

Committee Amendment "A" (S-45)

This amendment is the majority report of the committee. It specifies that a domestic partner must be a registered domestic partner to be responsible for the burial or cremation costs of a person who was eligible to receive municipal general assistance at the time of that person's death.

Enacted Law Summary

Public Law 2017, chapter 62 adds spouses and registered domestic partners to the list of relatives who are potentially responsible for the burial or cremation costs of a person who was eligible to receive municipal general assistance at the time of that person's death. It also strikes the provision of law that restricts potentially responsible relatives to persons who live or own property in Maine.

LD 530 An Act To Ensure Medical Assessments for Youth in Foster Care

ONTP

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

This bill requires that, when a child is ordered into the custody of the Department of Health and Human Services, the department must provide to the foster home in which the child is placed an overview of the child's medical condition and the name and contact information of the child's health care provider at the time of placement. The bill

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also requires the department to ensure that a child receives an appointment for a medical examination within three working days of when the department's custody commences, instead of within 10 days as in current law, and requires that the department inform the foster parents of the appointment.

LD 531 An Act Regarding the Drug Crisis and Ensuring Access to HIV Testing ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R GRATWICK G	ONTP	

This bill requires a person 13 years of age or older who is receiving medical services in a hospital or from a primary care provider to be offered an HIV test unless that person is being treated for a life-threatening emergency, has previously been offered or been the subject of an HIV test or lacks the capacity to provide informed consent to an HIV test. This requirement is repealed January 1, 2030.

LD 550 An Act Requiring Communication of Mammographic Breast Density Information to Patients ONTP

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

This bill requires mammography reports and other information provided to patients describing the results of a mammography to include information regarding breast density.

LD 551 An Act To Expand the Authority of Naturopathic Doctors To Prescribe Certain Medications ONTP

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

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

This bill proposes to expand the authority of naturopathic doctors to prescribe certain naturally occurring medications.

LD 560 An Act To Amend the Laws Governing the Department of Health and Human Services ONTP

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

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

This bill proposes to amend the laws governing the Department of Health and Human Services.

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LD 561 An Act To Remove the Requirement That Child Care Facility Workers and Family Child Care Providers Submit to Criminal Background Checks CARRIED OVER

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

This bill removes the requirement that a family child care provider, the staff of a family child care provider or child care facility or other adult who has unsupervised access to children who are cared for or supervised by the family child care provider or child care facility undergo a criminal background check.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 562 An Act Concerning the Department of Health and Human Services CARRIED OVER

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

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

This bill proposes to enact or amend laws or provide for the adoption or amendment of rules concerning the Department of Health and Human Services.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 565 An Act To Address Maine's Opiate Addiction Crisis CARRIED OVER

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

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

This bill proposes to address issues related to the opiate addiction crisis in the State.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 566 An Act To Improve Access to High-quality Child Care by Increasing Child Care Rates CARRIED OVER

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

This bill sets the reimbursement rates for child care services under the federal Child Care and Development Block Grant program and the Additional Support for People in Retraining and Employment, or ASPIRE, program at the

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federally recommended rate of the 75th percentile of local market rates. It also allocates federal funding for the increase to the block grant and ASPIRE programs.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 567 An Act To Ensure Timely Expenditure of Federal Funds in the ONTP
Department of Health and Human Services

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

This bill requires the Department of Health and Human Services to spend federal funds within one year of receiving those funds except when the time frame for expenditure is specified otherwise by the federal government.

LD 582 An Act To Provide for Timely Physical Examinations of Children Veto Sustained
Entering State Custody

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G TUCKER R	OTP-AM ONTP	S-85

This bill shortens the time requirement for the physical examination of a child ordered into the custody of the Department of Health and Human Services from 10 days after the department's custody of the child commences to three days and allows a physician's assistant to conduct the examination. It also requires, within 60 days after the department's custody of a child commences, that the child receives an appointment for a comprehensive medical, dental, educational and mental health assessment by a licensed pediatrician and a licensed child psychologist and that reimbursement, including reimbursement for obtaining and reviewing relevant records, is provided under MaineCare for the assessment. The department is directed to adopt routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Committee Amendment "A" (S-85)

This amendment, which is the majority report of the committee, removes the requirement for a comprehensive medical, dental, educational and mental health assessment of a child entering the custody of the Department of Health and Human Services that is in the bill. It retains the shortening of the time requirement for an appointment to be made for a medical examination from 10 days to three days but adds a requirement that the examination must take place within ten days of the child's entering custody.

LD 605 An Act To Support Evidence-based Treatment for Opioid Use Disorder CARRIED OVER

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

This bill provides funding for primary care patient-centered medical homes and behavioral health providers that provide evidence-based, integrated medication-assisted treatment to uninsured patients with opioid use disorder to cover costs of intensive, intermediate and long-term treatment.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 606 An Act To Ensure Access to All Prescription Drugs Containing Cannabidiol Approved by the Federal Food and Drug Administration ONTP

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

This bill states that a prescription medication containing cannabidiol that is approved by federal law or rule must be available in this State within 30 days of approval or publication in the Federal Register.

LD 607 An Act To Enhance Maine's Coordinated Response to Mental Health Crises ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DION M	ONTP	

This bill requires the Department of Health and Human Services to provide assistance to crisis intervention teams and agencies that provide mental health crisis services and to law enforcement agencies to enable them to coordinate mental health crisis services. The bill sets July 1, 2018, as the date by which a crisis intervention team or agency must enter into and sign a memorandum of understanding with each law enforcement agency that provides law enforcement services in the area of the State served by the crisis intervention team or agency. The bill requires the memorandum of understanding to be effective for three years and to be renewed every three years. The memorandum of understanding must include descriptions of the following: the internal processes the law enforcement agency uses to identify a person in need of mental health crisis services; the protocol the law enforcement agency uses to share a contact report with a crisis intervention team or agency; the process the crisis intervention team or agency uses to receive the report; the protocol the crisis intervention team or agency uses to communicate with a person in need of mental health services or the guardian or family members of that person; and the procedures to be used to convene on a quarterly basis multidisciplinary team meetings to review experiences and discuss opportunities for improvement.

LD 629 An Act To Improve Rehabilitation Services for Persons with Mental Illness in Maine ONTP

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

This bill makes occupational therapy services for persons with mental illness eligible for reimbursement under the MaineCare program.

LD 634 An Act Regarding the Drug Epidemic in Maine ONTP

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

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

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This bill proposes to provide solutions to combat addiction to heroin, opioids and other illegal drugs through enforcement, prevention and treatment.

LD 643 Resolve, Directing the Department of Health and Human Services To CARRIED OVER
Increase Reimbursement Rates for Home-based and Community-based
Services

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

This resolve directs the Department of Health and Human Services to increase reimbursement rates for home-based care services consistent with the recommendations made by Burns & Associates, Inc. in its report "Rate Review for Personal Care and Related Services: Final Rate Models" dated February 1, 2016. The first half of this increase was ratified by the 127th Legislature through Public Law 2015, chapter 267.

Committee Amendment "A" (H-176)

This amendment clarifies that all home-based and community-based services that were included in the Burns & Associates, Inc. rate review are included in the resolve and that the reimbursement rates are to be increased to the levels recommended in the rate study. The amendment ensures that a recipient of services may not experience a reduction in hours solely as a result of increased reimbursement. The amendment also adds an appropriations and allocations section.

Public Law 2017, chapter 284, the biennial budget, included funding to increase reimbursement rates for services included in the Burns & Associates, Inc. rate review. It also included language preventing any recipient from resulting in a reduction in hours solely as a result of increased reimbursement.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 652 An Act To Provide Drug Price Relief ONTP

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

This bill requires that the State and state agencies pay a price for prescription drugs that is the same as or lower than the lowest price paid by the United States Department of Veterans Affairs.

LD 655 An Act To Lower the Price MaineCare Pays for Prescription Drugs ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M MELARAGNO G	ONTP	

This bill requires, unless prohibited by federal law, the Commissioner of Health and Human Services to negotiate the lowest purchase price for all prescription drugs for programs under MaineCare.

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LD 687 Resolve, Regarding Reimbursement for Speech and Language Pathology Services

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH R MILLETT R	OTP-AM ONTP	H-382

This resolve directs the Department of Health and Human Services to provide for reimbursement under MaineCare for all speech and language pathology services provided by an independent speech-language practitioner at the rate that is paid to a speech and hearing agency for the same services. It also directs the department to amend its rules to increase by 10% the rates of MaineCare reimbursement for all speech and language pathology services.

Committee Amendment "A" (H-382)

This amendment, which is the majority report of the committee, replaces the bill with a resolve. The amendment sets the reimbursement rates for speech and language pathology services provided by an agency under Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 109 at 69% of the federal Medicare rate as long as the reimbursement rate is no lower than the current rate. It establishes that services provided by independent speech-language pathologists are set at 90% of the reimbursement rate for agencies. The amendment also establishes reimbursement rates for agency speech-language pathology assistants for group therapy at 69% of the federal Medicare rate for equivalent services for speech-language pathologists since there is no established Medicare rate for assistants. Rates for agency assistants providing individual therapy do not change from the rate reimbursed as of January 1, 2017. Independent speech-language pathology assistant reimbursement rates are set at 90% of the agency rates for assistants. The amendment also adds an appropriations and allocations section.

This resolve was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 688 An Act To Provide MaineCare Coverage for Music Therapy

Accepted Majority (ONTP) Report

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

This bill requires music therapy services to be reimbursed under the MaineCare program upon approval of coverage by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. The Department of Health and Human Services is directed to adopt routine technical rules to implement this requirement.

Committee Amendment "A" (H-297)

This amendment, which is the minority report of the committee, narrows the Medicaid population that is eligible for music therapy under the MaineCare program to adults and children with a diagnosis of an intellectual disability or autism spectrum disorder. It also clarifies that the bill does not apply to Medicare recipients. It also moves the date by which the Department of Health and Human Services must prepare and submit a state plan amendment and waiver as required to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to January 1, 2018.

This amendment was not adopted.

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LD 689 An Act To Confer Categorical Eligibility for Supplemental Nutrition Assistance Program Benefit Applications

Died Between Houses

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

This bill requires the Department of Health and Human Services to consider a household with a gross income at or below 185% of the federal poverty level eligible for food supplement benefits.

Committee Amendment "A" (H-398)

This amendment replaces the bill and is the majority report of the committee. It provides for broad-based categorical eligibility for food supplement benefits for households that have an elderly or disabled member. It provides that the eligibility for such a household is not subject to an asset test and is based only on the gross income of the household. This amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 690 An Act To Provide Additional Funding for Persons with Disabilities

Leave to Withdraw Pursuant to Joint Rule

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

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

This bill proposes to provide additional funding for persons with disabilities.

LD 691 An Act To Prevent Lead Poisoning in Children

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J LIBBY N		

This bill provides that as part of the Department of Health and Human Services' educational and publicity program concerning lead poisoning, the home visiting program established by the department is required to provide free home lead test kits to parents of young children living in homes built before 1978.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 692 Resolve, To Provide Meals to Homebound Individuals

CARRIED OVER

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

This resolve provides for the appropriation of funding to provide meals from the Meals on Wheels program to additional homebound individuals. This resolve also establishes a work group to research food access barriers and make recommendations about how to leverage resources to ensure regular, adequate nutrition for homebound individuals in the State and to forecast future demand and identify the appropriate level of funding in the future.

This resolve was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 717 An Act To Protect Maine School Children from Lead and Arsenic Exposure

ONTP

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

This bill requires all schools and nursery schools that take drinking water from any source to have the same tests performed on that water, including, but not limited to, tests for lead and arsenic. Current law requires schools that take drinking water from sources other than public water systems to have that water tested. The bill requires the Department of Health and Human Services to make all test results available on the department's publicly accessible website and to inform the parents and guardians of all students at a school or nursery school if the water is found to violate the state primary drinking water regulations.

LD 720 An Act To Provide Lung Cancer Screening for MaineCare Recipients

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R	OTP-AM ONTP	S-86

This bill requires that annual screening for lung cancer for certain recipients be reimbursed under the MaineCare program. It provides that the Department of Health and Human Services may adopt routine technical rules to implement this requirement.

Committee Amendment "A" (S-86)

This amendment, which is the majority report of the committee, specifies that the criteria to be used to determine lung cancer screening eligibility for MaineCare members are those developed by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. This amendment also includes an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

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LD 761 An Act To Increase Access to Hearing Aids

PUBLIC 237

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E KATZ R	OTP-AM	H-403

This bill requires the Department of Health and Human Services to pay for hearing aids under the MaineCare program.

Committee Amendment "A" (H-403)

This amendment makes changes to the bill to match current practice in the rules of the Department of Health and Human Services. It specifies that one hearing aid is reimbursable under the MaineCare program and that a second hearing aid is reimbursable if an individual meets the department's requirements established by rule. It removes the exclusion of batteries and cords and other assistive listening devices from coverage. It replaces the term "physician" with the term "primary care provider."

Enacted Law Summary

Public Law 2017, chapter 237 establishes in statute the requirements for reimbursement for hearing aids under the MaineCare program that existed previously only in rule. The Department of Health and Human Services shall reimburse under MaineCare for one hearing aid for an adult and for a second hearing aid if the individual meets the department's additional requirements established by rule.

LD 762 An Act To Allow a Percentage of Funds from the Medical Use of Marijuana Fund To Fund Health Care Research

CARRIED OVER

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

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

This bill proposes to dedicate a percentage of the funds derived from the Medical Use of Marijuana Fund established in the Maine Revised Statutes, Title 22, section 2430 to a medical marijuana research fund. Under the bill, hospitals and other health care facilities may apply for grants to fund research proposals to study the medical efficacy of medical marijuana.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 763 An Act To Support Individuals with Disabilities by Exempting Certain Wages from Consideration for MaineCare

CARRIED OVER

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

This bill exempts income received by a person with a disability from certain work programs available to individuals with disabilities from being considered in determining the person's eligibility for MaineCare.

Joint Standing Committee on Health and Human Services

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 764 An Act To Limit the Exclusion of a Patient from Eligibility for an Organ Transplant Based on Medical Marijuana Use PUBLIC 252

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D BRAKEY E	OTP-AM ONTP	H-328 H-427 HYMANSON P

This bill prohibits the medical use of marijuana from being the sole disqualifying factor in determining a person's suitability for receiving an anatomical gift.

Committee Amendment "A" (H-328)

This amendment is the majority report of the committee. It prohibits a transplant evaluator from determining a qualifying patient to be unsuitable to receive an anatomical gift because the qualifying patient uses medical marijuana. It directs a transplant evaluator to treat a qualifying patient's use of medical marijuana like any other medication a patient may be taking. It provides that a transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient does not limit the type of medical marijuana used and may require the qualifying patient's medical marijuana to be tested for fungal contamination at a marijuana testing facility.

House Amendment "A" To Committee Amendment "A" (H-427)

This amendment removes from Committee Amendment "A" the provision that prohibits a transplant evaluator from determining a qualifying patient to be unsuitable to receive an anatomical gift solely because the qualifying patient uses medical marijuana.

Enacted Law Summary

Public Law 2017, chapter 252 directs a transplant evaluator to treat a qualifying patient's use of medical marijuana like any other medication a patient may be taking. It provides that a transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient does not limit the type of medical marijuana used and may require the qualifying patient's medical marijuana to be tested for fungal contamination at a marijuana testing facility.

LD 765 An Act To Allow In-home Child Care Providers To Care for up to 5 Children without State Certification CARRIED OVER

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

This bill changes the threshold requiring certification as a family child care provider from caring for three children to caring for six children. Under current law, a person who provides day care in that person's home must be certified as a family child care provider if that person provides care for three to twelve children who are not the person's own children or who are not residing in the person's home.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on Health and Human Services

LD 766 Resolve, To Require the Department of Health and Human Services To Recalculate the MaineCare Reimbursement Rates for Services for Persons with Disabilities **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH R	OTP-AM ONTP	H-247 H-357 FARNSWORTH R

This resolve directs the Department of Health and Human Services no later than June 1, 2017, to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 13, 17, 21, 28, 29, 65 and 97 to increase reimbursement rates to reflect the increase in minimum wage pursuant to Initiated Bill 2015, chapter 2.

Committee Amendment "A" (H-247)

This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-357)

This amendment strikes the emergency preamble and emergency clause. This amendment replaces the appropriations and allocations section to remove funding in fiscal year 2016-17.

LD 804 An Act To Establish Long-term Memory Care Facilities and To Provide Adequate Staffing and Reimbursement **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N HYMANSON P	ONTP	

This bill requires the Department of Health and Human Services to provide long-term care services in memory care facilities to persons who qualify under the Maine Revised Statutes, Title 22, section 3174-G and require assistance with activities of daily living because of cognitive impairments by January 1, 2018, in accordance with standards established by the department through routine technical rulemaking. The rules must provide that memory care facilities that provide assistance with activities of daily living to persons with memory impairments are staffed at the following patient-to-staff ratios: on the day shift a ratio of 6 to 1; on the evening shift a ratio of 12 to 1; and on the night shift a ratio of 18 to 1. The rules must provide for rates of reimbursement for facilities that provide assistance with activities of daily living to persons with memory impairments at a level that is 50% above the rates of reimbursement provided for the highest level of private nonmedical institutions by MaineCare.

LD 808 An Act To Restore Community Support Services for Adults with Mental Illness **Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S GATTINE D	OTP-AM ONTP	S-241

This bill restores access to services for persons with mental illness under Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17 to those persons who were eligible for those services before the Department of Health and Human Services adopted new eligibility rules in 2016.

Committee Amendment "A" (S-241)

Joint Standing Committee on Health and Human Services

This amendment adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-270)

This amendment directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services to restore access to services to persons who have a diagnosis of bipolar disorder or post-traumatic stress disorder. The amendment removes the need for the appropriations and allocations section by reducing some of the eligibility criteria and requiring the department to fund the remaining added services within existing resources.

This amendment was not adopted.

LD 812	Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County	CARRIED OVER
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TUELL W		

This resolve establishes a pilot project in Washington County to provide treatment and recovery services for substance use disorders. It provides \$1,600,000 in funding over the 2018-2019 fiscal biennium. The Department of Health and Human Services is required to report on the planning and implementation of the pilot project to the Joint Standing Committee on Health and Human Services no later than November 30, 2018, and the joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation to the First Regular Session of the 129th Legislature.

This resolve was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 842	Resolve, To Support Home Health Services	CARRIED OVER
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E LIBBY N		

This resolve directs the Department of Health and Human Services to increase the rates for home health services under the MaineCare Benefits Manual, Chapter II, Section 40 by 30%.

This resolve was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 886	An Act To Require That Maine Welfare Benefits Be Used in Maine	Died Between Houses
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E	ONTP OTP-AM	

This bill prohibits a recipient of benefits under the Temporary Assistance for Needy Families, or TANF, program from using an electronic benefits transfer system card to access those benefits outside of Maine.

Committee Amendment "A" (S-247)

Joint Standing Committee on Health and Human Services

This amendment is the minority report of the committee. It prohibits a recipient of benefits under the Temporary Assistance for Needy Families, or TANF, program from using an electronic benefits transfer system card to access those benefits outside of Maine unless the recipient is in New Hampshire or fleeing a domestic violence situation.

This amendment was not adopted.

LD 889 An Act To Reduce Youth Cancer Risk

Veto Sustained

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

This bill prohibits tanning facilities from allowing individuals who have not attained 18 years of age to use tanning devices.

LD 898 An Act To Address Mandatory Overtime for Hospital Professionals

CARRIED OVER

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

This bill prohibits a hospital from requiring employees that provide direct patient care to work more than 12 hours in any 24-hour period. This bill provides that this requirement does not apply to physicians or in cases of a declared emergency. The bill allows an aggrieved employee to file a complaint with the division of licensing and regulatory services within the Department of Health and Human Services, which must notify the hospital involved. The bill requires hospitals to report all instances of mandatory overtime work to the division, which must adopt rules regarding the manner and schedule for this reporting.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 902 Resolve, To Increase Access to Evidence-based Psychosocial Treatment
for Children in the MaineCare Program**

CARRIED OVER

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

This resolve requires the Department of Health and Human Services to increase the MaineCare reimbursement rates for evidence-based outpatient psychosocial treatments for children to a rate that covers all costs involved with providing the service, including additional training, clears waiting lists and attracts providers to all areas of the State, including underserved rural areas. The resolve also requires the department to cover two additional evidence-based services known as trauma-focused cognitive behavioral therapy and parent management training programs through a request for proposals, using General Fund funds for training and hiring staff. The resolve requires the department and the contracted providers are required to develop a reimbursement rate for providing the service that is sufficient to allow the continued financial health of the service providers providing these therapies.

This resolve was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on Health and Human Services

LD 909 An Act To Stimulate the Maine Economy and Alleviate Child Poverty by Indexing Certain Benefits to Inflation Leave to Withdraw Pursuant to Joint Rule

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

This bill provides that, beginning October 1, 2017, if there are available unexpended funds, the Commissioner of Health and Human Services must increase the maximum monthly assistance amount under the Temporary Assistance for Needy Families program by the percentage increase in the Consumer Price Index between 2001 and 2017 and must further increase the monthly assistance amount on January 1, 2018, and annually every January 1st thereafter by the percentage increase, if any, in the Consumer Price Index.

LD 910 An Act To Encourage Living Kidney Donation in Maine Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K VOLK A	OTP-AM	H-420

This bill directs the Department of Health and Human Services to establish a grant program to encourage living kidney donation.

Committee Amendment "A" (H-420)

This amendment, which is the majority report of the committee, directs the Department of Health and Human Services to contract with an entity to administer a grant program to encourage living kidney donation. It provides that the department may disburse funds for the program to the entity and may condition disbursement of those funds on the entity's providing a report about the activities and services provided by the program. It provides that, every two years beginning January 1, 2019, the department must report on the activities and services of the program to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

LD 932 Resolve, To Establish the Commission To Study the Siting and Building of a Drug Treatment Facility in Northern Maine ONTP

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

This resolve establishes the Commission To Study the Siting and Building of a Drug Treatment Facility in Northern Maine.

Joint Standing Committee on Health and Human Services

LD 952 An Act To Ensure Access to Opiate Addiction Treatment in Maine

PUBLIC 305

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D POULIOT M	OTP-AM	S-106 S-331 HAMPER J

This bill directs the Department of Health and Human Services to amend its rules to increase the MaineCare reimbursement rate for outpatient opioid treatment to \$80 per week and to permit outpatient opioid treatment providers to be open six days per week as provided under federal law. It directs the department to contract with a third-party consultant to conduct a rate study regarding reimbursement to outpatient opioid treatment providers. It authorizes opioid treatment programs under the Maine Pharmacy Act to operate without maintaining a pharmacist in charge but requires opioid treatment programs to enter into a written agreement with a licensed pharmacist to serve as a consultant to the opioid treatment program. It authorizes registered professional nurses, certified nurse practitioners and licensed practical nurses to dispense opioid medication for substance abuse treatment purposes to patients in an opioid treatment program.

Committee Amendment "A" (S-106)

This amendment removes the section from the bill that relates to pharmacy oversight. It changes the increase in reimbursement in the bill for methadone providers from \$80 to \$72 a week. It removes the language that gives the Department of Health and Human Services the authority to increase reimbursement by rulemaking.

Senate Amendment "A" To Committee Amendment "A" (S-331)

This amendment amends Committee Amendment "A" by striking the requirement that the Department of Health and Human Services conduct a rate study, striking the provision mandating that the department increase the reimbursement rate for outpatient opioid treatment providers and adding language permitting the department to increase that rate if the department finds an increase to be justified. In addition, the amendment gives the Joint Standing Committee on Health and Human Services the authority to report out legislation to the Second Regular Session of the 128th Legislature to increase the reimbursement rate for outpatient opioid treatment providers. With the removal of the two initiatives requiring appropriations and allocations, the amendment strikes the appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 305 authorizes registered professional nurses, certified nurse practitioners and licensed practical nurses to dispense opioid medication for substance abuse treatment purposes to patients in an opioid treatment program. It also directs the Department of Health and Human Services to amend its rules to permit outpatient opioid treatment providers to be open six days per week as provided under federal law. It permits the department to increase the MaineCare reimbursement rate for outpatient opioid treatment from \$60 per week if the department finds an increase to the reimbursement rate to be justified. It authorizes the Joint Standing Committee on Health and Human Services to report out legislation to the Second Regular Session of the 128th Legislature to increase the reimbursement rate for outpatient opioid treatment providers.

LD 966 An Act To Create Mental Health Liaison Positions in Each County Jail

CARRIED OVER

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

Joint Standing Committee on Health and Human Services

This bill provides for a mental health liaison in each county or regional jail to oversee inmates with serious mental illness and connect them to the services for which they qualify, to work with the court system to ensure that they receive due process and speedy trials and to assist inmates who qualify for MaineCare to apply for and receive MaineCare benefits and services. This bill directs the Department of Health and Human Services to issue a request for proposals to private providers of behavioral health services and advocacy to replace intensive case manager positions within the department to staff the 15 mental health liaison positions in the county and regional jails.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 967 An Act To Ensure Access to Community Services for Persons with Intellectual Disabilities or Autism CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E HAMPER J	OTP-AM	H-342

This bill requires the Department of Health and Human Services to reimburse services provided to MaineCare member adults with intellectual disabilities or autistic disorder under a waiver granted by the federal Centers for Medicare and Medicaid Services for home-based and community-based care on the basis of rates and a methodology for application of the rates that reflects assessment of individual need and applies criteria for resource allocation established by the department pursuant to criteria established in the bill. The bill also directs the department to adopt rules providing reimbursement rates that take into account specified costs of care and service; are sufficient to ensure access, including compliance with federal standards; are based on a 2007 report of the department adjusted for cost increases from 2007 to 2016; provide future annual inflation adjustments; and consider competitive wage markets, training and qualification requirements and increased costs of new technologies.

Committee Amendment "A" (H-342)

This amendment directs the Department of Health and Human Services to increase reimbursement rates by 10% over the reimbursement levels implemented in 2007 pursuant to Public Law 2005, chapter 12, Part CCCC, section 1 for services provided under Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 21 and 29 no later than October 1, 2017. The amendment narrows the services that are reimbursed to codes that provide direct support services to the MaineCare members receiving services under the waiver programs. It also directs the department and representatives of organizations of providers of community support services for individuals with intellectual disabilities and autism to examine reimbursement rates, costs of providing services and other costs to determine opportunities for efficiencies and savings. The department and the providers are required to report findings to the Joint Standing Committee on Health and Human Services no later than January 1, 2018. This amendment also adds an appropriations and allocations section.

Funding to increase reimbursement rates under Sections 21 and 29 were included in Public Law 2017, chapter 284, the biennial budget.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 998 An Act To Adequately Pay for Emergency Medical Services CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D	OTP-AM ONTP	H-296

Joint Standing Committee on Health and Human Services

This bill requires the Department of Health and Human Services to work with emergency medical services providers in the State to define, and provide reimbursement under MaineCare for, community paramedicine services that do not involve transporting patients.

Committee Amendment "A" (H-296)

This amendment, which is the majority report of the committee, removes the provisions in the bill that relate to community paramedicine services. It increases beginning March 1, 2018, the reimbursement rate for ambulance services under the MaineCare program under current law from 65% to 70% of the average allowable reimbursement rate under Medicare. It provides that the Department of Health and Human Services may not lower any reimbursement rates for ambulance services below the rates as of January 1, 2017. The amendment also adds an appropriations and allocations section.

This resolve was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 999 An Act To Provide a Healthy Learning Environment in Early Care CARRIED OVER
Settings by Requiring Rules Concerning Nutrition and Physical Activity

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

This bill provides that rules adopted by the Department of Health and Human Services for child care facilities and family child care providers must include rules pertaining to physical activity and recreational screen time and the provision of nutritious foods that contribute to the wellness, healthy growth and development of young children.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1000 Resolve, To Increase Access to Brain Injury Waiver Services CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R LANGLEY B	OTP-AM	H-295

This resolve directs the Department of Health and Human Services to increase the rates for services provided to MaineCare members receiving Home Support (Residential Habilitation) Level I under the brain injury waiver, rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18, to no less than \$8.63 per quarter hour. It also allows up to 400 units of care coordination each year rather than only in the first year of receiving services under the waiver. The Department of Health and Human Services is directed to explore opportunities to provide additional telehealth services, including care coordination services, provided by both licensed medical personnel and nonlicensed personnel.

Committee Amendment "A" (H-295)

This amendment clarifies that the Department of Health and Human Services must seek approval from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the brain injury waiver to increase Home Support (Residential Habilitation) Level I rates to no less than \$8.63 per quarter hour. It requires the increase in reimbursement to go to direct support employees. This amendment also includes an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session of the 128th

Joint Standing Committee on Health and Human Services

Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1001 An Act To Promote Testing of Drinking Water for Maine Families

**Died Between
Houses**

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

This bill waives the fee for testing a private residential water supply for any household with income at or below 200% of the federal poverty level.

Committee Amendment "A" (H-162)

This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

This amendment was not adopted.

LD 1017 An Act To Strengthen Work Participation in the Temporary Assistance for Needy Families Program

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D BRAKEY E	ONTP	

This bill removes all the good cause exceptions that prevent a person from being sanctioned under the Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families, or ASPIRE-TANF, program or the Temporary Assistance for Needy Families program for failure to participate in the ASPIRE-TANF program, with the exception of domestic violence. Some of the substance of this bill was included in Public Law 2017, chapter 256 (LD 336).

LD 1031 An Act To Clarify the Opioid Medication Prescribing Limits Laws

**PUBLIC 213
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G BERRY S	OTP-AM	S-242

This bill addresses opioid medication prescribing limits.

Public Law 2015, chapter 488 requires that, beginning July 1, 2017, the aggregate amount of opioid medication prescribed to a patient may not be in excess of 100 morphine milligram equivalents per day and directs the Department of Health and Human Services to adopt rules establishing reasonable exceptions to those prescriber limits. This bill codifies in statute the exceptions adopted in the department's rules and adds an exception to prescribing limits for medical necessity.

Committee Amendment "A" (S-242)

This amendment replaces the bill. The amendment makes the following changes to the laws relating to the Controlled Substances Prescription Monitoring Program and limits on opioid prescribing.

Joint Standing Committee on Health and Human Services

1. In the laws governing the Palliative Care and Quality of Life Interdisciplinary Advisory Council, it changes the definition of "palliative care" to clarify that palliative care does not always include a requirement for hospice care or attention to spiritual needs and includes chronic, unremitting or intractable pain such as neuropathic pain as an example of "serious illness."
2. It changes the definition of "dispenser" to remove health care professionals.
3. It removes the requirement to submit to the Department of Health and Human Services information regarding a controlled substance that is dispensed by a hospital emergency department for use during a period of 48 hours or less.
4. It adds to the list of individuals who can access the Controlled Substances Prescription Monitoring Program information the staff members of a group practice of prescribers who are authorized by a designated group practice leader, insofar as the information relates to a patient receiving care from that group practice.
5. It removes the requirement for a dispenser to notify the Controlled Substances Prescription Monitoring Program if the dispenser has reason to believe that a prescription is fraudulent or duplicative, maintaining the requirement that the dispenser contact the prescriber.
6. It clarifies that the requirement to check the Controlled Substances Prescription Monitoring Program does not apply for surgical procedures, rather than only inpatient surgery.
7. It clarifies that dispensing in connection with surgical procedures is exempt from the 100 morphine milligram equivalents limitation on opioids.
8. It clarifies that an opioid product that is labeled by the federal Food and Drug Administration to be dispensed only in a stock bottle that exceeds a seven-day supply may be prescribed as long as the amount dispensed does not exceed a 14-day supply.
9. It makes all rules related to the Controlled Substances Prescription Monitoring Program major substantive rules except that the Department of Health and Human Services is directed to adopt routine technical rules to conform to the changes in the definition of "dispenser" and the removal of the requirement of a pharmacist to notify the program when a prescription appears fraudulent or duplicative.

Enacted Law Summary

Public Law 2017, chapter 213 makes the following changes to the laws relating to the Controlled Substances Prescription Monitoring Program and limits on opioid prescribing.

1. In the laws governing the Palliative Care and Quality of Life Interdisciplinary Advisory Council, it changes the definition of "palliative care" to clarify that palliative care does not always include a requirement for hospice care or attention to spiritual needs and includes chronic, unremitting or intractable pain such as neuropathic pain as an example of "serious illness."
2. It changes the definition of "dispenser" to remove health care professionals.
3. It removes the requirement to submit to the Department of Health and Human Services information regarding a controlled substance that is dispensed by a hospital emergency department for use during a period of 48 hours or less.
4. It adds to the list of individuals who can access the Controlled Substances Prescription Monitoring Program information the staff members of a group practice of prescribers who are authorized by a designated group practice leader, insofar as the information relates to a patient receiving care from that group practice.

Joint Standing Committee on Health and Human Services

- 5. It removes the requirement for a dispenser to notify the Controlled Substances Prescription Monitoring Program if the dispenser has reason to believe that a prescription is fraudulent or duplicative, maintaining the requirement that the dispenser contact the prescriber.
- 6. It clarifies that the requirement to check the Controlled Substances Prescription Monitoring Program does not apply for surgical procedures, rather than only inpatient surgery.
- 7. It clarifies that dispensing in connection with surgical procedures is exempt from the 100 morphine milligram equivalents limitation on opioids.
- 8. It clarifies that an opioid product that is labeled by the federal Food and Drug Administration to be dispensed only in a stock bottle that exceeds a seven-day supply may be prescribed as long as the amount dispensed does not exceed a 14-day supply.
- 9. It makes all rules related to the Controlled Substances Prescription Monitoring Program major substantive rules except that the Department of Health and Human Services is directed to adopt routine technical rules to conform to the changes in the definition of "dispenser" and the removal of the requirement of a pharmacist to notify the program when a prescription appears fraudulent or duplicative.

Public Law 2017, chapter 213 was enacted as an emergency measure effective June 16, 2017.

LD 1039 An Act To Enhance Access to Affordable Health Care

**Died Between
Houses**

Sponsor(s)

Committee Report

Amendments Adopted

This initiated bill was not referred to committee. This initiated bill requires the State to provide federally approved Medicaid services through MaineCare to qualifying persons under 65 years of age with income equal to or below 133% plus 5% of the nonfarm income official poverty line. The initiated bill requires the Department of Health and Human Services to prepare and submit to the Federal Government any state plan amendments, no later than 90 days after the effective date of the initiated bill, necessary to implement the provisions of the initiated bill. The initiated bill requires monthly reporting by the department to the appropriate joint standing committees of the Legislature on the status of a state plan amendment submission until such an amendment is approved and reporting on the status of implementation of the expanded coverage under MaineCare and on the status of implementation and savings generated to state-funded programs as a result of the expanded coverage. It requires the Department of Administrative and Financial Services, Maine Revenue Services to report on revenues generated as a result of expanded coverage. It requires any savings to be transferred to the MaineCare Stabilization Fund prior to the end of fiscal year 2018-19. It requires the Office of Fiscal and Program Review to independently review these reports and report its findings to the appropriate joint standing committees of the Legislature.

LD 1052 An Act To Allow Drug Testing Prior to Providing Welfare Benefits

ONTP

Sponsor(s)

HANLEY J
HAMPER J

Committee Report

ONTP

Amendments Adopted

Joint Standing Committee on Health and Human Services

This bill allows the Department of Health and Human Services to require an applicant for Temporary Assistance for Needy Families, or TANF, benefits to complete a written screening tool to determine the applicant's likelihood of current illegal drug or controlled substance use. Based on the results of the screening tool or interactions with a TANF applicant or recipient, the department may require the applicant or recipient to submit to a drug test as a condition of receiving benefits if the department has a reasonable suspicion that the applicant or recipient is using an illegal drug or controlled substance.

LD 1053 Resolve, Concerning the Format of Birth Certificates of Deceased Persons ONTP

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

This resolve requires the Department of Health and Human Services, Office of Data, Research and Vital Statistics to decrease the prominence of the words indicating a person is deceased on a copy of a birth certificate. The changes must include decreasing the size of the words and making the location of the words less prominent on the birth certificate. The resolve directs the office to begin working with its vendor to make the changes by January 1, 2018.

LD 1054 Resolve, To Expand Research To Fight Lyme Disease ONTP

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

This resolve, for the purpose of reducing the effects of Lyme disease, does the following.

1. It requires the Department of Inland Fisheries and Wildlife and the University of Maine to undertake a joint study into the effects of ticks and disease-infected ticks on the deer population and the effects of winter ticks on the moose population; and
2. It provides funding to the Department of Health and Human Services, Maine Center for Disease Control and Prevention for the Lyme and Vector-Borne Disease Laboratory in the Maine Medical Center Research Institute and the University of Maine for research and development to combat Lyme disease.

LD 1063 An Act To Protect Substance-exposed Infants CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S CHIPMAN B		

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

This bill proposes to enact measures designed to enhance the protection of substance-exposed infants, which may include prevention, intervention, identification of risk and treatment of prenatal substance exposure.

Committee Amendment "A" (H-383)

This amendment, which is the majority report, replaces the bill and changes the title. It requires the Department of Health and Human Services to amend its rules in the MaineCare Eligibility Manual to provide for presumptive

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eligibility for individuals who are likely to qualify for the family planning benefit under the Maine Revised Statutes, Title 22, section 3173-G. It also requires the department to amend its rules under the MaineCare Benefits Manual, Section 90 to include contraceptive counseling as part of the services provided to women and adolescents eligible for the MaineCare program, including counseling immediately postpartum as long as the patient and the provider determine it is appropriate. It requires the department to contract for community-based outreach and education regarding family planning options and availability that is targeted toward women and adolescents who are participating in substance use disorder treatment, in correctional settings, experiencing homelessness and living in other circumstances that identify a need for family planning services. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

This bill was reported out of committee and then recommitted to the committee; it was then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1066 An Act To Promote Life with Dignity

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARKER J CHIPMAN B	ONTP	

This bill enacts a process for patient-directed care at the end of life for Maine residents who are adults who are terminally ill and who have been determined to have a limited life expectancy. The bill provides that such a patient has a right to information and includes requirements for patient and physician action and documentation in the patient's medical records of the steps taken. The bill authorizes a physician to prescribe a medication that the patient may self-administer for the purpose of hastening the patient's death. The bill provides protections for the physician and the patient's health care facility and health care providers. The bill protects the patient's life insurance and the health care providers' medical professional liability insurance. The bill protects the patient's right to palliative care. The bill requires rulemaking by the Department of Health and Human Services to provide for safe disposal of medications that are prescribed for end-of-life care and that are not used by the patient. The bill specifically states that nothing in the provisions of the bill may be construed to authorize a physician or other person to end a patient's life by lethal injection, mercy killing or active euthanasia. The bill specifically states that the provisions of the bill may not be construed to conflict with Section 1553 of the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010.

LD 1070 Resolve, To Alleviate Hunger in Rural Maine in Areas of High Unemployment

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T HAMANN S	OTP-AM ONTP	S-107

This resolve requires the Department of Health and Human Services to submit a request to the United States Department of Agriculture to waive the Supplemental Nutrition Assistance Program benefits time limit for able-bodied adults without dependents in areas designated as labor surplus areas by the United States Department of Labor, Employment and Training Administration.

Committee Amendment "A" (S-107)

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

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LD 1075 An Act To Eliminate Drug Use among Welfare Recipients

ONTP

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

This bill requires an applicant for Temporary Assistance for Needy Families, or TANF, benefits to complete a written screening tool to determine the applicant's likelihood of current substance use. Based on the results of the screening tool or interactions with a TANF applicant or recipient, the Department of Health and Human Services may require the applicant or recipient to submit to a drug test as a condition of receiving benefits if the department has a reasonable suspicion that the applicant or recipient is using an illegal drug or controlled substance. If a recipient or applicant fails a drug test, that person may appeal the results and take a second drug test. If a recipient of TANF benefits or applicant for TANF benefits does not appeal or fails a second drug test, that recipient is denied TANF benefits for 120 days and the applicant is prohibited from reapplying for TANF benefits for 120 days. This mandatory denial provision is repealed October 1, 2019.

LD 1097 An Act To Develop and Distribute Work Training Pamphlets To Educate State Agencies, Private Businesses and Other Organizations about Dementia

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW D LIBBY N		

This bill requires the Department of Health and Human Services to administer an educational program on dementia. The department is required to create a pamphlet to be distributed to state agencies, businesses, nonprofit organizations and others that informs and educates about dementia-related conditions and how to recognize and communicate with persons who have dementia.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1098 An Act To Ensure Reasonable Accommodations for Children for Whom Medical Marijuana Has Been Recommended

CARRIED OVER

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

This bill allows a medical provider with whom the child has a bona fide relationship to possess and administer marijuana on school grounds.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1105 An Act To Promote Independent Living for People with Disabilities

ONTP

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

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

This bill proposes to reallocate certain federal funds currently received by the Department of Labor and the Department of Health and Human Services to ensure that those departments are in alignment with the goal of allowing people with disabilities to live as independently as possible. Under this bill, Maine programs would become more consistent with federal regulations by redirecting existing resources to fund the newly mandated fifth requirement of the independent living core services in the federal Independent Living Program, as adopted by the U.S. Department of Health and Human Services, Administration for Community Living, Independent Living Administration. The fifth core requirement of this bill directs the provision of services to focus on three key areas for people with disabilities: transition from nursing homes to home and community settings; diversion from nursing homes; and transition of youths 18 to 24 years of age from school to adult living. Possible funding streams for this bill include federal funding under the federal Workforce Innovation and Opportunity Act and Maine's Money Follows the Person demonstration project administered by the Department of Health and Human Services, federal funding currently allocated for the Office of Child and Family Services, Office of Aging and Disability Services and Office of Substance Abuse and Mental Health Services within the Department of Health and Human Services and funding from the Department of Education from federal funds for the Carl D. Perkins Career and Technical Education Act of 2006 grant for special services and adult education, as well as funds allocated or appropriated by the State from General Fund or Other Special Revenue sources.

LD 1108 An Act To Restore Public Health Nursing Services

PUBLIC 312

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP-AM ONTP	S-155 S-329 HAMPER J

This bill is emergency legislation. This bill enumerates the types of nursing services that must be provided by the Public Health Nursing Program within the Department of Health and Human Services. It specifies required staffing in the program. It sets deadlines for staffing and requires the Public Health Nursing Program by September 1, 2017, and October 15, 2017, to report on progress in achieving full staffing. The bill requires the Joint Standing Committee on Health and Human Services to conduct a review of public health nursing services including types of public health needs of persons who have recently moved to the State, services being provided to meet those needs and any unmet needs. The bill requires the committee to provide to the Legislature a written report of its findings and recommendations for any future action by January 1, 2018.

Committee Amendment "A" (S-155)

This amendment is the majority report of the committee. It removes the emergency preamble and emergency clause. It adds to the description of services provided by public health nurses. It clarifies that the 50 full-time nurses must be providing nursing services directly to communities in Maine. It provides that the staff required by the bill must be licensed nurses. The amendment changes the staffing level and report dates. It removes the historical review of the Public Health Nursing Program. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-329)

This amendment requires the Department of Health and Human Services to promptly fill all public health nurse positions within the Public Health Nursing Program for which funding is provided. It prohibits the transfer or otherwise repurposing of any funds appropriated or allocated for the salaries, benefits and other costs of public health nurses and the services they provide. It changes reporting deadlines for the Director of the Public Health Nursing Program under the Department of Health and Human Services to report to the Joint Standing Committee on Health and Human Services on the progress of the department in achieving full staffing of the Public Health Nursing Program. The amendment also removes the appropriations and allocations section.

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Enacted Law Summary

Public Law 2017, chapter 312 enumerates the types of nursing services that must be provided by the Public Health Nursing Program within the Department of Health and Human Services. It requires the Department of Health and Human Services to promptly fill all public health nurse positions within the Public Health Nursing Program for which funding is provided as soon as possible after enactment of this Act and no later than March 1, 2018. It prohibits the transfer or otherwise repurposing of any funds appropriated or allocated for the salaries, benefits and other costs of public health nurses and the services they provide. It sets deadlines for staffing and requires the Director of the Public Health Nursing Program under the Department of Health and Human Services to report to the Joint Standing Committee on Health and Human Services by December 15, 2017, and February 15, 2018, on the progress of the department in achieving full staffing of the Public Health Nursing Program.

Public Law 2017, chapter 284, the biennial budget, reinstates several Public Health Nurse positions.

LD 1109 An Act To Improve General Assistance Reimbursements

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B HAMANN S		

This bill amends the municipal general assistance laws to provide a different method of determining the residence of an applicant and the municipality responsible for providing general assistance to that applicant, including an applicant relocating from another municipality. The bill provides that the municipality of record, which is defined as the municipality in which the applicant resided immediately prior to applying for assistance, is the responsible municipality.

Committee Amendment "A" (S-273)

This amendment, which is the majority report of the committee, replaces the bill and changes the title. It requires a municipality or Indian tribe to be responsible for 30% of the costs of its general assistance program and specifies that the costs incurred by the municipality or Indian tribe for administering the program count toward the 30%. It requires the Department of Health and Human Services to adopt routine technical rules to establish appropriate costs for administration. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then recommitted to the committee; it was then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1110 An Act Concerning Medicaid for Incarcerated Persons about To Be Released

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G TUCKER R	ONTP	

This bill requires the Department of Health and Human Services to allow an incarcerated person who has lost Medicaid coverage due to losing a federal benefit provided under the United States Social Security Act while incarcerated to be given the opportunity and assistance to reapply for Medicaid coverage 45 days before release from incarceration.

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LD 1111 Resolve, To Establish a Task Force To Study the Causes of and Solutions to the Epidemic of Childhood Obesity in Maine ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G DENNO D	ONTP	

This resolve directs the Commissioner of Health and Human Services to convene a task force to study the epidemic of childhood obesity in Maine.

LD 1112 An Act Regarding the Maternal and Infant Death Review Panel PUBLIC 203

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L	OTP-AM	S-189

This bill gives the maternal and infant death review panel the power to request the Commissioner of Health and Human Services to issue subpoenas to require disclosure of records and information. This is the same authority allowed the child death and serious injury review panel. It requires the panel to meet twice per year and to study the causes of the increase in infant mortality in the State within the past ten years. The bill requires the panel to report its findings by February 7, 2018, to the Department of Health and Human Services and the Joint Standing Committee on Health and Human Services in the Second Regular Session of the 128th Legislature.

Committee Amendment "A" (S-189)

This amendment replaces the bill. It changes the maternal and infant death review panel to the maternal, fetal and infant mortality review panel. It provides that "director" in the laws governing the review panel refers to the medical director of the Maine Center for Disease Control and Prevention because of the recent reorganization of personnel within the center. It allows the panel coordinator of the review panel to obtain, without the individual's or family's consent, the health information of a woman who died during pregnancy or within 42 days of giving birth, a child who died within one year of birth or a mother of a child who died within one year of birth, including fetal deaths after 28 weeks of gestation. It provides that the review panel is required to meet at least twice per year.

Enacted Law Summary

Public Law 2017, chapter 203 changes the maternal and infant death review panel to the maternal, fetal and infant mortality review panel. It provides that "director" in the laws governing the review panel refers to the medical director of the Maine Center for Disease Control and Prevention because of the recent reorganization of personnel within the center. It allows the panel coordinator of the review panel to obtain, without the individual's or family's consent, the health information of a woman who died during pregnancy or within 42 days of giving birth, a child who died within one year of birth or a mother of a child who died within one year of birth, including fetal deaths after 28 weeks of gestation. It provides that the review panel is required to meet at least twice per year.

LD 1119 An Act To Ensure Safe Drinking Water in Public Buildings ONTP

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

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This bill expands the requirement to test drinking water in schools that take drinking water from sources other than public water systems to include all public buildings that take water from a source other than a public water system, except that public buildings less than ten years old are exempt from this requirement. Under the bill, the Department of Health and Human Services must provide test results to the Department of Environmental Protection. The bill requires that the Department of Environmental Protection must make the results available on the department's publicly accessible website.

LD 1133 An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J HILL D		

This bill provides that, if a patient in a hospital who received treatment for a psychiatric condition and who the hospital has determined is clinically ready for discharge requests admission or readmission from the hospital to a facility operated by a residential service provider and that request is denied, the residential service provider must provide the patient the reasons for the denial in writing no later than three business days after the request is denied.

The bill directs the Department of Health and Human Services to develop a standardized form for use by residential service providers to state the specific reasons for denial. It requires a residential service provider to provide the standardized form to the patient or the patient's parent or guardian or designated representative. It requires a residential service provider to annually send to the department's division of licensing and regulatory services a report of all patients who are denied admission or readmission and the reasons given the patients that were contained in the standardized forms.

The bill allows a patient or a patient's parent or guardian or designated representative to recover \$500 from a residential service provider that violates these provisions. It also provides for the revocation of the license of a residential service provider that violates these provisions three times or more in a calendar year.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1134 An Act To Amend the Laws Governing Nursing Facilities To Permit Nurse Practitioners, Clinical Nurse Specialists and Physician Assistants To Perform Certain Physician Tasks

**PUBLIC 145
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H CARPENTER M	OTP-AM	H-258 S-144 BRAKEY E

This bill provides that, in accordance with federal regulations:

1. For nursing home residents receiving skilled nursing facility level services, a physician assistant, nurse practitioner or clinical nurse specialist may provide medically necessary visits, certifications and recertifications and required visits that alternate with those performed by a physician; and
2. For nursing home residents receiving nursing facility level services, a physician assistant, nurse practitioner or clinical nurse specialist may perform any physician task.

Committee Amendment "A" (H-258)

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This amendment clarifies that alternate required visits and medically necessary visits in skilled nursing facilities may be performed by physician assistants, nurse practitioners and clinical nurse specialists operating within their scope of practice if those tasks have been delegated by a physician.

Senate Amendment "A" To Committee Amendment "A" (S-144)

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

Enacted Law Summary

Public Law 2017, chapter 145 makes the following changes relating to staffing in nursing homes in accordance with federal regulations:

1. Alternate required visits and medically necessary visits for residents receiving skilled nursing facility level services may be performed by physician assistants, nurse practitioners and clinical nurse specialists operating within their scope of practice if those tasks have been delegated by a physician;
2. Certifications and recertifications to verify that the resident requires daily skilled nursing care or rehabilitation services may be performed by a physician assistant, nurse practitioner or clinical nurse specialist; and
3. Any physician task for nursing home residents receiving nursing facility level services may be performed by a physician assistant, nurse practitioner or clinical nurse specialist.

Public Law 2017, chapter 145 was enacted as an emergency measure effective June 8, 2017.

LD 1135 An Act To Strengthen the Efficacy of the Medical Marijuana Laws

CARRIED OVER

Sponsor(s)

CHACE P

Committee Report

Amendments Adopted

This bill makes the following changes to the Maine Medical Use of Marijuana Act:

1. The limit on the number of qualifying patients a primary caregiver may assist is clarified to be for a period of one calendar month or more;
2. The definition of a collective is strengthened;
3. The penalties for participation in a collective are enhanced;
4. A level of local control is provided by allowing a municipality to limit the number of primary caregivers that may operate within that municipality and allowing for enactment of reasonable municipal regulations applicable to primary caregivers;
5. The confidentiality provisions of primary caregivers are removed;
6. A primary caregiver and a registered dispensary are subject to fines for violations of the provisions of the Act or for failing to register as a primary caregiver or dispensary;
7. Fines prescribed for violations of the Act are mandatory;
8. The Office of the Attorney General may seek an injunction to require a registered primary caregiver, a registered dispensary, a person who fails to register as a primary caregiver and who engages in conduct that is only authorized

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for a registered primary caregiver or a person or entity that fails to register as a dispensary and that engages in conduct that is only authorized for a registered dispensary to comply with the Act. The District Court may order the registered primary caregiver, the registered dispensary or the person or entity to pay the costs of the investigation and the costs of suit, including attorney's fees;

9. The Office of the Attorney General may seek court action against a registered primary caregiver, a registered dispensary or a person or entity for violation of an injunction, including but not limited to imposition of a fine; and

10. The Department of Health and Human Services' burden of proof for a violation of the Act is a preponderance of the evidence.

The bill also includes an appropriations and allocations section.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1136 Resolve, Directing the Department of Health and Human Services To ONTP
Amend Its Rules Regarding Services Provided to Students

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

This resolve directs the Department of Health and Human Services to amend its rules regarding services provided to students to:

1. Allow speech pathologists to bill directly for services they provide to students who are eligible for the MaineCare program; and
2. Remove requirements that, for a student to be eligible for coverage for services under early periodic screening, diagnosis and treatment, the services be included in the student's individualized education plan or the family's individualized family service plan and that the services be medical in nature as opposed to educational.

LD 1148 An Act To Safeguard the Rights of Private Child Care Businesses CARRIED OVER

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

This bill provides that the State may not prohibit the expulsion of a child from or compel the attendance of a child at an independently operated, privately owned child care facility except to remedy unlawful discrimination under the Maine Human Rights Act.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1162 An Act To Reduce the Incidence of Obesity and Chronic Disease in CARRIED OVER
Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N HAMANN S		

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This bill provides for reimbursement under the MaineCare program for medical nutritional therapy provided by physicians, licensed dietitians and dietitian nutritionists and reimbursement for obesity treatment medication.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1170 An Act To Reduce Youth Access to Tobacco Products

PUBLIC 308

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	S-146
GUERIN S	ONTP	S-306 DAVIS P
	OTP-AM	S-325 HAMPER J

This bill raises the minimum legal age to purchase tobacco products from 18 years of age to 21 years of age. The definition of "tobacco product" is expanded to include additional forms of tobacco and materials and devices used in the consumption of tobacco, including electronic smoking devices. The bill also changes the penalties for the unlawful sale and purchase of tobacco products.

Committee Amendment "A" (S-146)

This amendment, which is the majority report of the committee, changes the references to ages in the bill to be consistent with current drafting standards.

Committee Amendment "B" (S-147)

This amendment, which is the minority report of the committee, allows persons who were 18 years old as of October 15, 2017, to purchase tobacco products and changes references to ages to conform to drafting standards.

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-306)

This amendment amends committee amendment "A" to allow persons who were 18 years of age as of July 1, 2018 to purchase tobacco products.

Senate Amendment "A" (S-325)

This amendment requires the State Controller to transfer \$106,075 from the Maine Center for Disease Control and Prevention program, Fund for a Healthy Maine account in the Department of Health and Human Services to the unappropriated surplus of the General Fund.

Enacted Law Summary

Public Law 2017, chapter 308 raises the minimum legal age to purchase tobacco products from 18 years of age to 21 years of age, unless the person was 18 years of age as of July 1, 2018. It expands the definition of "tobacco product" to include additional forms of tobacco and materials and devices used in the consumption of tobacco, including electronic smoking devices. It changes the penalties for the unlawful sale and purchase of tobacco products. It requires the State Controller to transfer \$106,075 from the Maine Center for Disease Control and Prevention program, Fund for a Healthy Maine account in the Department of Health and Human Services to the unappropriated surplus of the General Fund.

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LD 1177 An Act To Create an Appeals Process for Child Care Providers

CARRIED OVER

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

This bill establishes the Child Care Appeal Review Panel to review disputes related to the licensing and certification of child care facilities, family child care providers and nursery schools, including revocations, suspensions, denials, demotions to conditional status, rule compliance issues and denials of requests for alternative compliance methods but not including child abuse and neglect investigations. The review panel members are appointed by the Governor for five-year terms. The director of the division of licensing and regulatory services within the Department of Health and Human Services is the chair of the panel but does not vote. The Office of the Attorney General provides legal counsel. The department and facility are required to abide by decisions made by the review panel.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 1186 Resolve, Directing the Department of Health and Human Services To
Develop a Resource Guide for Assistance in Substance Abuse Matters**

ONTP

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

This resolve requires the Department of Health and Human Services to create a resource guide for state-funded and other alcohol and drug abuse treatment, prevention and recovery programs. The resource guide must be made available on a publicly accessible website and searchable by location and by services provided.

**LD 1188 An Act To Facilitate MaineCare-Funded Assisted Living by Providing a
Cost-of-living Adjustment to Private Nonmedical Institutions and Adult
Family Care Homes**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	ONTP OTP-AM	H-330

This bill provides funds to the Department of Health and Human Services to give adult family care homes, residential care facilities and certain private nonmedical institutions a 4% cost-of-living rate increase for the state fiscal year ending June 30, 2018, and an additional cost-of-living increase for the state fiscal year ending June 30, 2019, based on a projected increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index. The bill provides that annual cost-of-living adjustments are to be provided by rule for each fiscal year thereafter in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

Committee Amendment "A" (H-330)

This amendment, which is the minority report of the committee, removes from the bill the 4% increase in fiscal year 2017-18 for reimbursement for adult family care homes, residential care facilities and certain private nonmedical institutions. It includes a reimbursement increase of 2.1% in fiscal year 2018-19. It establishes an annual increase beginning in fiscal year 2019-20 using the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, Long-Term Care Hospital Market Basket change as published in the Federal

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Register.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1189 An Act To Define the Age of Consent for Alcohol or Drug Treatment and CARRIED OVER
Mental Health Services

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

Current law provides that a minor under 18 years of age may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems. This bill provides that a minor who is 14 years of age or older may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems and does not need the consent of a parent or guardian for such treatment. It also provides that if the parent or guardian consents to such treatment of a minor 14 years of age or older, the minor may not abrogate that consent and that if a minor 14 years of age or older consents to such treatment, a parent or guardian may not abrogate that consent.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1205 Resolve, Regarding Legislative Review of Portions of Chapter 101: RESOLVE 15
MaineCare Benefits Manual, Chapter III, Section 21, Allowances for EMERGENCY
Home and Community Services for Adults with Intellectual Disabilities
or Autism Spectrum Disorder, a Late-filed Major Substantive Rule of
the Department of Health and Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-325

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Committee Amendment "A" (H-325)

This amendment provides that the Department of Health and Human Services may finally adopt portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a provisionally adopted major substantive rule, only if the rule is modified.

The first required modification to the rule is the removal of the requirement that a provider bill only for days on which a member is receiving per diem home support at 11:59 p.m. The rule must also clarify that there is no requirement that a provider bill only for days on which a member is physically present in the home at 11:59 p.m., to account for times when the member may be temporarily away from the home, for instance on a family visit. The modification must also clarify that on days when a member is transitioning between providers of home support, only the provider providing home support at 11:59 p.m. may bill for home support.

The second required modification to the rule relates to documentation for the audit of services provided. The proposed rule requires documentation showing the hours and the name of the direct staff scheduled to work with the

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member. The required modification returns the rule to the current requirement that documentation show the hours and the name of the direct staff scheduled to work at the facility.

Enacted Law Summary

Resolve 2017, chapter 15 provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Resolve 2017, chapter 15 was finally passed as an emergency resolve effective June 8, 2017.

LD 1214 An Act To Create Fairness in Home-based Care Fees for Service

CARRIED OVER

Sponsor(s)
LIBBY N

Committee Report

Amendments Adopted

This bill provides that rules adopted by the Department of Health and Human Services for the administration of the program for in-home and community support services for the elderly may not require a person receiving services under a state-funded program to make a monthly payment toward the administrative cost of coordination services if an in-home care service was not provided in that month.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1272 An Act To Move Administration of the Child and Adult Care Food Program from the Department of Health and Human Services to the Department of Education

ONTP

Sponsor(s)
HAMANN S

Committee Report
ONTP

Amendments Adopted

This bill moves the administration of the federal Child and Adult Care Food Program, which provides food assistance to children and adult participants in nonresidential institutions that provide care, from the Department of Health and Human Services to the Department of Education. It directs the Department of Education to enter into a written agreement with the United States Department of Agriculture to administer the program. It directs the Department of Health and Human Services to work with the Department of Education to move the administration of the program. It directs the Department of Education to report to the committee of jurisdiction during the Second Regular Session of the 128th Legislature and the First Regular Session of the 129th Legislature and include suggested legislation. It authorizes the Department of Education to adopt routine technical rules.

Some of the substance of this bill is included in Public Law 2017, chapter 284, the biennial budget.

LD 1273 Resolve, To Redispense Donated Prescription Drugs

CARRIED OVER

Sponsor(s)
HYMANSON P

Committee Report

Amendments Adopted

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LD 1302 An Act To Increase Workforce Participation in the Temporary Assistance for Needy Families Program and Other Assistance Programs Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C MILLETT R	OTP-AM ONTP	

This bill requires the Department of Health and Human Services to administer a program to provide financial assistance to families receiving Temporary Assistance for Needy Families benefits or statewide food supplement program benefits for motor vehicle repairs, registration and inspection when the motor vehicle is needed for employment purposes. Under the bill, the program must be supported with federal block grant funding under the Temporary Assistance for Needy Families program.

Committee Amendment "A" (H-329)

This amendment is the majority report of the committee. It increases the allowable financial assistance for vehicle repairs to \$2,000 per year for a family receiving benefits under the ASPIRE-TANF program. It removes from the bill financial assistance for motor vehicle repairs and other expenses for recipients of food supplement programs. The amendment also adds an appropriations and allocations section.

Public Law 2017, chapter 284, the biennial budget, includes a pilot Working Cars for Families program for certain TANF recipients.

LD 1303 An Act To Establish the Vaccine Consumer Protection Program within the Department of Health and Human Services INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B		

This bill was not referred to committee.

This bill establishes the Vaccine Consumer Protection Program within the Department of Health and Human Services and describes the services provided under the program. This bill also clarifies that a medical exemption from immunization for the purposes of school attendance is to be determined by the child's physician. This bill also removes the Commissioner of Education and the Department of Health and Human Services rule-making authority regarding the statutory immunization provisions and school and municipal authority to have more stringent immunization requirements than state law.

LD 1314 Resolve, To Improve Access to Neurobehavioral Services CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM	H-202

This resolve requires the Department of Health and Human Services to provide by September 1, 2018, 16 new neurobehavioral beds in one or more neurobehavioral centers to serve individuals with significant behavioral challenges and complex medical needs who need short-term evaluation and treatment before transitioning to a long-term care environment either in the community or a long-term care facility.

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Committee Amendment "A" (H-202)

This amendment delays the date by which neurobehavioral beds must be provided from September 1, 2018, to July 1, 2019. It requires the Department of Health and Human Services to provide beds in two or more different centers rather than one or more centers as in the resolve. It restricts the population served to individuals with neurobehavioral issues or dementia and accompanying behavioral issues and removes individuals with brain injury, intellectual disabilities or autism.

This resolve was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1325 An Act Regarding Opioids and Palliative Care ONTP

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

This bill allows an exemption from the limits on opioid medication prescribing for a patient receiving palliative care under a management plan that is submitted by a licensed medical professional caring for the patient and approved by the Department of Health and Human Services and that documents the need for ongoing treatment of the patient that exceeds the limits on opioid medication prescribing.

LD 1326 An Act To Reduce Morbidity and Mortality Related to Opioid Misuse Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K	OTP-AM OTP-AM	H-293

This bill:

1. Repeals the provision making possession of a hypodermic apparatus a crime;
2. Creates a medical assistance exemption from criminal liability, including arrest, prosecution or incarceration, for a person who seeks medical assistance for that person's self or another who experiences a drug overdose if the grounds for the arrest, prosecution or incarceration were obtained as a result of the person's seeking medical assistance;
3. Removes Department of Health and Human Services rule-making authority over establishing community-based drug overdose prevention programs and adds statutory criteria for the establishment of the programs; and
4. Appropriates to the Department of Health and Human Services \$75,000 for syringe exchange programs and \$50,000 for naloxone hydrochloride distribution through community-based drug prevention programs for each year of the current biennium.

Committee Amendment "A" (H-293)

This amendment is the majority report of the committee. It returns to the Department of Health and Human Services rule-making authority over establishing community-based drug overdose prevention programs, which is removed in the bill. It directs the department to provisionally adopt rules regarding community-based drug overdose prevention programs by January 15, 2018. It removes from the bill the appropriation for syringe exchange programs

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and naloxone hydrochloride distribution.

Committee Amendment "B" (H-294)

This amendment is the minority report of the committee. It removes the provisions in the bill that decriminalize possession of a hypodermic apparatus. It returns to the Department of Health and Human Services rule-making authority over establishing community-based drug overdose prevention programs, which is removed in the bill. It directs the department to provisionally adopt rules regarding community-based drug overdose prevention programs by January 15, 2018. It removes from the bill the appropriation for syringe exchange programs and naloxone hydrochloride distribution.

This amendment was not adopted.

LD 1329 An Act To Allow Tobacco Retail Establishments To Serve Alcohol

CARRIED OVER

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

This bill allows the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to issue licenses to tobacco retail establishments to sell spirits, wine and malt liquor for consumption on the premises of those establishments.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1363 Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications, a Late-filed Major Substantive Rule of the Department of Health and Human Services

**RESOLVE 16
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-477

This resolve provides for legislative review of portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Committee Amendment "A" (H-477)

This amendment provides that the Department of Health and Human Services may finally adopt portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications, a provisionally adopted major substantive rule that was filed outside the legislative rule acceptance period, only if the rule is modified.

The first required modification is to the routine technical portions of the rule establishing Exemption Code A for active and aftercare cancer treatment. The exemption code in the rule must be amended to remove the six-month limit for aftercare cancer treatment post remission.

The second required modification is to the routine technical portions of the rule establishing Exemption Code H for circumstances when an individual is prescribed a second opioid after proving unable to tolerate a first opioid. The exemption code in the rule must be amended so that the individual is not required to return the initial prescription to

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a pharmacy for collection prior to dispensation of the second prescription. The department must recommend to dispensers that patients are provided with guidance on proper disposal of the first opioid prescription.

The third required modification is to allow for dispensers to provide an early refill of a prescription before the refill date if, in the judgment of the dispenser, the early refill does not represent a pattern of early refill requests by the individual.

The fourth required modification is to allow for dispensers to contact prescribers by telephone to verify and document information about prescriptions.

The fifth required modification is to establish a process for a dispenser who receives a prescription for an opioid medication from an out-of-state prescriber that does not comply with department rules. The dispenser may fill the prescription if the dispenser records an oral confirmation with the validity of the prescription from the out-of-state prescriber and documents any missing information such as diagnosis code, exemption code and acute or chronic pain notation and the dispenser makes a reasonable effort to determine that the oral confirmation came from the prescriber or prescriber's agent, which may include a telephone call to the prescriber's telephone number listed in a telephone directory or other directory.

The sixth required modification is to delay the requirement for dispensers to provide information to the Prescription Monitoring Program on the exemption code and ICD-10 code until July 1, 2018, and allow the Department of Health and Human Services to approve waivers after July 1, 2018 for dispensers who are unable with good cause to comply with the requirement.

Enacted Law Summary

Resolve 2017, chapter 16 provides for legislative review of portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Resolve 2017, chapter 16 was finally passed as an emergency measure effective June 19, 2017.

**LD 1364 Resolve, Regarding Legislative Review of Portions of Chapter 101:
MaineCare Benefits Manual, Chapter III, Section 97: Private
Non-Medical Institution Services, a Major Substantive Rule of the
Department of Health and Human Services**

**RESOLVE 17
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

S-164 BRAKEY E

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services.

Senate Amendment "A" (S-164)

This amendment specifies that the Legislature does not authorize final adoption of the portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services. The provisionally adopted rule was approved by the Legislature as part of Resolve 2017, chapter 6, making approval pursuant to this resolve unnecessary (see LD 458).

Enacted Law Summary

Resolve 2017, chapter 17 prohibits the final adoption of the portions of Chapter 101: MaineCare Benefits Manual,

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Chapter III, Section 97: Private Non-Medical Institution Services proposed in this rule. The rule approved by the Legislature as part of Resolve 2017, chapter 6, made approval pursuant to this resolve unnecessary.

Resolve 2017, chapter 17 was finally passed as an emergency measure effective June 20, 2017.

LD 1367 Resolve, To Support Family-directed Housing Initiatives and Alternative Programming for Individuals with Disabilities in Underserved Areas ONTP

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

This resolve requires the Department of Health and Human Services to work with community partners to develop pilot projects for residential facilities that each serve up to 10 individuals with intellectual disabilities eligible for services under its rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 20, 21 or 29 or other applicable sections for the population's needs. It requires that the department support private fund-raising by the local communities and develop contracts with local entities to determine admission standards, make referrals and either directly provide day-to-day services or contract for them. It requires that the department consider the need to increase reimbursement under MaineCare for applicable services to counter high costs in underserved rural areas. The department must report by January 1, 2020, on the progress of the pilot projects, number of facilities created, number of individuals served, expenditures, cost comparisons and outcome measures together with any recommendations regarding applicability of the pilot projects as a model for similar future projects around the State.

LD 1374 Resolve, Directing the Department of Health and Human Services To Assess and Improve the Availability of Child Care Services CARRIED OVER

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

This resolve directs the Department of Health and Human Services to restore consistent scheduled meetings of the Child Care Advisory Council and directs the department to contract with a third party to conduct a study to assess the availability of child care in the State, to engage in cost modeling to determine the cost of child care and to develop a system to support child care providers and parents. It directs the department to report to the Second Regular Session of the 128th Legislature no later than February 1, 2018.

This resolve was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1375 An Act To Prevent Overdose Deaths and Infectious Diseases by Establishing Safer Drug Use Facilities Accepted Majority (ONTP) Report

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

This bill directs the Department of Health and Human Services to certify two facilities in the State to provide safe and secure locations for people to self-administer previously obtained drugs. The bill requires the facilities to have health care personnel and other trained staff, to provide information concerning drug overdoses and diseases associated with drug use, to administer first aid or other medications in case of an overdose and to provide referrals to other services clients of the facilities may need. The bill immunizes from arrest or prosecution clients and staff

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members acting in accordance with the provisions of the bill and creates a tolerance zone with 0.5 miles of the facility. The facilities are directed to report certain demographic and other information to the department, which is directed to analyze the information and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The department is also directed to review the effectiveness of the facilities to determine whether to open additional facilities.

Committee Amendment "A" (H-501)

This amendment is the minority report of the committee and replaces the bill. It establishes a precertification process within the Department of Health and Human Services that would review the qualifications of an applicant seeking to open a safer drug use facility and it establishes requirements for such a facility. It provides certain exemptions from criminal liability for clients and staff members of a facility. It provides for a referendum process at the municipal level for municipalities to approve the establishment of a safer drug use facility. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

**LD 1408 An Act To Establish an Independent Citizens Oversight Committee on
Maine's Welfare Programs Died Between
Houses**

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

This bill requires the Department of Health and Human Services to collect data related to performance measures of the Temporary Assistance for Needy Families, or TANF, program, including reducing child poverty and food insecurity and improving educational attainment, employment and income levels. It also requires the department to set benchmarks to measure improvement and success of the TANF program. It establishes the Independent Citizens Oversight Committee to monitor the Department of Health and Human Services' progress with respect to meeting benchmarks for success of the TANF program.

Committee Amendment "A" (S-156)

This amendment, which is the majority report of the committee, makes minor changes to the data and benchmarks that must be collected by the Department of Health and Human Services and reviewed by the Independent Citizens Oversight Committee, which is established in the bill. This amendment also adds an appropriations and allocations section to provide funding for a position in the Department of Health and Human Services to analyze the data.

This amendment was not adopted.

**LD 1412 An Act To Increase Access to Workforce Development Programs for
New Maine Residents Accepted Minority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B FECTEAU R	REF TO LCED/ONTP ONTP	

This bill establishes and funds the Immigrant Workforce Development Fund, which provides competitive grants to ethnicity-based community organizations to fund programs and services to help legal immigrants and refugees become economically self-sufficient.

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LD 1413 Resolve, Regarding Sober Living Transitional Assistance

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B HAMANN S	ONTP	

This resolve establishes the Help Me Recover Fund within the Department of Health and Human Services to provide grants to persons being discharged from detoxification or residential treatment programs to use as a deposit and first month rent payment for housing in a recovery residence. To be eligible for a grant from the fund a person must be financially unable to provide a deposit and first month rent payment. The resolve directs the department to enter into a contract with a nonprofit organization with experience in substance use disorder treatment or recovery to administer and make distributions from the fund.

LD 1418 An Act To Ban the Purchase of Retail Marijuana and Retail Marijuana Products with Temporary Assistance for Needy Families Program Benefits

PUBLIC 208

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

This bill prohibits the purchase of retail marijuana and retail marijuana products using the electronic benefits transfer system under the Temporary Assistance for Needy Families program.

Enacted Law Summary

Public Law 2017, chapter 208 prohibits the purchase of retail marijuana and retail marijuana products using the electronic benefits transfer system under the Temporary Assistance for Needy Families program.

LD 1419 Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Late-filed Major Substantive Rule of the Department of Health and Human Services

**RESOLVE 10
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Enacted Law Summary

Resolve 2017, chapter 10 provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

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Resolve 2017, chapter 10 was finally passed as an emergency measure effective May 31, 2017.

LD 1423 An Act To Amend Certain Laws Governing Child Care Providers

CARRIED OVER

Sponsor(s)

LIBBY N

Committee Report

Amendments Adopted

This bill makes various changes to the laws governing child care facilities and family child care providers, including:

1. Allowing a parent who receives a child care subsidy to make up the difference between the amount of the subsidy and the total cost of child care without losing the subsidy;
2. Defining an infant as a child six weeks of age or older and under 12 months of age and a toddler as a child 12 months of age or older and under 36 months of age;
3. Allowing a person to care for up to four children in the person's home without that person's being required to become certified as a family child care provider;
4. Creating a license or certification renewal with a term of five years for a child care facility or family child care provider that has been in operation and licensed or certified in good standing for at least five consecutive years;
5. Directing the Department of Health and Human Services upon a complaint to investigate only that complaint unless there is reasonable cause to suspect another violation;
6. Providing a period of up to 90 days for a person to work as a staff member for a child care facility or family child care provider without the completion of a criminal background check while a criminal background check is being conducted;
7. Allowing for exceptions to department rules involving child to staff ratios, the ages of children and infants and toddlers in cases of extenuating circumstances due to an unexpected staff member absence or parent drop-off of a child at the facility or provider or due to the particular needs of an individual child;
8. Requiring department rules to be narrowly based upon the health and safety of the children and not to unreasonably interfere with facility or provider business operations in which the health and safety of the children are not involved;
9. Requiring in the instance of the department's declining to renew a license or certification of a child care facility or family child care provider that the renewal fee paid by the facility or provider be refunded;
10. Detailing inspection and post-inspection processes including the posting of information regarding a child care facility or family child care provider by the department on a publicly accessible website; and
11. Directing the department to develop recommended legislation to create an appeals board composed of members not employed or appointed by the department to review department decisions regarding child care facilities and family child care providers and to develop a child care provider bill of rights.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 1424 An Act To Amend the Laws Governing MaineCare Eligibility Determination For Applicants To Nursing Homes

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G FAY J	ONTP	

This bill amends the laws governing MaineCare eligibility determinations for applicants to nursing homes. It directs the Department of Health and Human Services to provide timely and adequate notice to both the applicant and the facility in which the individual resides or seeks to reside if the department is unable to make a decision of eligibility due to inconclusive or conflicting information or other deficiencies in the application and requires the department to notify the applicant and the affected facility of the additional information required. It requires that the provision of copies of all communications be timely provided to the facility as well as the applicant, and that the applicant be provided a reasonable amount of time to respond and provide information. It directs the department to extend the time frame for responses in appropriate circumstances. If an application is denied and if necessary information is later provided, the additional information must be used to update and supplement the prior application, and the applicant need not submit a new application. The bill also requires the department to provide timely advance notice of reviews for annual determinations and other periodic redeterminations of MaineCare eligibility to a MaineCare recipient and the facility in which the recipient resides or seeks to reside. The bill requires the department to provide to the recipient and the facility in which the recipient resides or seeks to reside copies of communications.

LD 1425 An Act To Repeal the Laws Governing the Mental Health Homicide, Suicide and Aggravated Assault Review Board

PUBLIC 93

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

This bill repeals the Mental Health Homicide, Suicide and Aggravated Assault Review Board. This board is no longer active.

Enacted Law Summary

Public Law 2017, chapter 93 repeals the Mental Health Homicide, Suicide and Aggravated Assault Review Board.

LD 1430 An Act To Develop a Statewide Resource and Referral Center and Develop Hub-and-spoke Models To Improve Access, Treatment and Recovery for Those with Substance Use Disorder

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K DILL J		

This bill establishes a statewide resource and referral center for individuals with substance use disorders and friends and family members of individuals with substance use disorders, law enforcement and providers of substance abuse treatment. It requires the Department of Health and Human Services to contract with evidence-based substance abuse treatment providers across the State to provide integrated medication-assisted treatment to individuals with substance use disorders. Hubs provide comprehensive services for acute needs, and spokes are primary care facilities that offer behavioral health services or are connected to providers of those services. It directs the

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Department of Health and Human Services to fund treatment for individuals without insurance and develop a rate of reimbursement that takes into account the multiple parts of treatment an individual with a substance use disorder requires in addition to medication. It directs the Department of Labor to develop a career center program to assist individuals in treatment for substance use disorders or in recovery with career planning and taking advantage of employment opportunities. It directs the Department of Health and Human Services to develop assessment measures to evaluate performance and present a report on progress, implementation and assessment to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2020.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1433 An Act To Protect Maine Children from Lung Cancer by Requiring CARRIED OVER
Radon Testing in Schools

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C MILLETT R	OTP-AM	H-516

This bill requires school administrative units to test schools for radon every five years. It requires the school administrative unit to take action to mitigate the affected areas if radon levels are above a certain level. It requires that the school administrative unit must notify parents, faculty and staff of test results and must report test results to the Department of Education and the Department of Health and Human Services. It directs the Department of Health and Human Services to report these results every five years to the Legislature and the Governor.

The bill also requires school administrative units to build new schools using radon-resistant new construction techniques as recommended by the United States Environmental Protection Agency.

Committee Amendment "A" (H-516)

This amendment provides that radon testing in schools must comply with the United States Environmental Protection Agency's recommended testing standards for schools. It allocates money from the Fund for a Healthy Maine to pay for the schools' radon testing costs. It removes the provisions in the bill that require schools to mitigate radon levels in areas with high levels of radon. This amendment adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1435 An Act To Ensure Transparency in the Distribution of Federal Block CARRIED OVER
Grant Funds

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E CHIPMAN B		

This bill requires the Department of Health and Human Services annually to develop and submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs proposed plans for expenditures of federal block grant funds including a description of current expenditures of federal block grant funds and how the department proposes to change any expenditure. Under the bill, the department may not make an expenditure from any federal block grant unless the expenditure is recommended by the joint standing committee and approved by the Legislature. When the Legislature is not in session, the bill authorizes the department to make an expenditure if the Commissioner of Health and Human Services determines that the expenditure is necessary to

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avert an emergency and provides 60 days' notice to the joint standing committee.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1436 *Resolve, To Reduce MaineCare Spending through Targeted Nutrition Interventions* **Died Between Houses**

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

This resolve directs the Department of Health and Human Services to file an application with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for a demonstration waiver to allow for reimbursement of medically tailored food and nutrition interventions when a health care provider determines that certain elements of nutrition or foods based upon a nutrition plan developed by a licensed dietitian are necessary for a patient's health. This resolve also directs the Department of Health and Human Services to file the application by October 1, 2017, with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to request that home-delivered meals be reimbursable under MaineCare as directed by Resolve 2015, chapter 54.

Committee Amendment "A" (H-508)

This amendment, which is the majority report of the committee, narrows the medically tailored and nutrition interventions demonstration waiver program to individuals who are being released from the hospital, are at risk of readmission and have received a doctor's recommendation that certain elements of nutrition or foods are necessary for the patient's health. It provides that patients offered medically tailored food and nutrition interventions may receive one meal per day for up to seven days under the program. The amendment also requires the Department of Health and Human Services to reimburse under the MaineCare program for medical nutritional therapy for certain conditions on a pilot basis. It directs the Department of Health and Human Services to report annually for five years on the medically tailored food and nutritional interventions demonstration program and the medical nutritional therapy pilot program. The amendment also adds an appropriations and allocations section.

The amendment was not adopted.

LD 1466 *An Act To Address Severe and Ongoing Shortfalls in the Funding of Direct Care Workers in Long-term Care Settings and To Establish the Commission To Study Long-term Care Workforce Issues* **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S	OTP-AM ONTP	S-186 H-529 HYMANSON P

This bill directs the Department of Health and Human Services to increase MaineCare payment rates for certain personal care and related services, including those set forth in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 12, Allowances for Consumer-Directed Attendant Services; Chapter III, Section 19, Home and Community Benefits for Elderly and Adults with Disabilities; and Chapter III, Section 96, Private Duty Nursing and Personal Care Services; and in 10-149, Chapter 5: Office of Aging and Disability Services Policy Manual, Section 63, In-Home and Community Support Services for Elderly and Other Adults; and 14-197, Chapter 11: Consumer Directed Personal Assistance Services. For fiscal year 2017-18, these payment rates must be increased to the levels necessary to fully fund and implement the recommendations in "Rate Review for Personal Care and Related Services: Final Rate Models," the report prepared by Burns & Associates, Inc. dated February 1, 2016. For fiscal

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year 2018-19, these payment rates must be increased by an additional 10%.

The bill directs the department to increase MaineCare payment rates for certain adult family care services, adult day services and homemaker services, including those set forth in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 2, Adult Family Care Services; Chapter III, Section 26, Day Health Services; and in 10-149 Chapter 5: Office of Aging and Disability Services Policy Manual, Section 61, Adult Day Services and Section 69, Independent Support Services Program. For fiscal year 2017-18, these payment rates must be increased by 10%. For fiscal year 2018-19, these payment rates must be increased by an additional 10%.

The bill directs the department to increase MaineCare payment rates for nursing facilities set forth in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities. For fiscal year 2017-18, an extraordinary circumstance supplemental allowance must be made that is equal to 10% of the portion of each facility's prospective and final prospective rate that is attributable to wages and wage-related benefits in both the direct care cost component and routine care cost component. For fiscal year 2018-19, an additional extraordinary circumstance supplemental allowance of 10% must be made. In each year, this supplemental allowance must be provided as part of each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement. This supplemental allowance must also be allowed and paid at final audit to the full extent that the facility has reported increased costs for wages and wage-related benefits, notwithstanding any otherwise applicable caps or limits on reimbursement, including without limitation the amount of the supplemental allowance added to prospective payment rates.

The bill directs the department to increase MaineCare payment rates for residential care facilities set forth in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Appendix C, Principles of Reimbursement for Medical and Remedial Service Facilities; and 10-144, Chapter 115: Principles of Reimbursement for Residential Care Facilities - Room and Board Costs. For fiscal year 2017-18, a supplemental payment must be provided equal to 10% of the portion of the facility's per diem rate that is attributable to wages, wage-related benefits and workers' compensation. For fiscal year 2018-19, an additional supplemental payment of 10% must be provided. In each year, this supplemental payment must be added to the per diem rate until the department adjusts the direct care pricer, the routine limit and the personal care services limit, as applicable, to incorporate this 10% increase going forward. In each year, this increase must be provided as part of each facility's per diem rate notwithstanding any otherwise applicable caps or limits on reimbursement. In each year, this supplemental payment must also be allowed and paid at final audit to the full extent that the facility has reported increased costs for wages, wage-related benefits and workers' compensation, notwithstanding any otherwise applicable caps or limits on reimbursement, including without limitation the amount of the supplemental payment added to prospective payment rates.

The bill also establishes the Commission To Study Long-term Care Workforce Issues.

Committee Amendment "A" (S-186)

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

1. Instead of the 10% increase proposed in the bill, the amendment provides that rate increases for fiscal year 2018-19 for all services in the bill must be paid according to the inflation adjustment cost-of-living percentage change to reimbursement in accordance with the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index medical care services index.
2. The amendment provides that rate increases for fiscal year 2019-20 and annually thereafter for those services must be paid using the same adjustment as fiscal year 2018-19 until a rate study has been completed by the Department of Health and Human Services, conducted by a third party and including the participation of providers, and the rates in the rate study have been implemented.
3. It changes the date of the report from the Commission To Study Long-term Care Workforce Issues from October

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15, 2017 to December 2, 2017.

4. It adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-514)

This amendment amends Committee Amendment "A" to limit increases for nursing facilities so as not to exceed federally established upper payment limits.

This amendment was not adopted.

House Amendment "B" To Committee Amendment "A" (H-529)

This amendment incorporates the changes made by House Amendment "A" to Committee Amendment "A," removes the emergency preamble and emergency clause and changes the reporting deadline for the Commission To Study Long-term Care Workforce Issues.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1474 An Act To Reduce the Regulation of Child Care Facilities

CARRIED OVER

Sponsor(s)

ESPLING E
BRAKEY E

Committee Report

Amendments Adopted

This bill makes a number of changes to the child care system in the State.

1. It repeals Public Law 2011, chapter 380, Part UU, which set the child care subsidy payment rates of the Department of Health and Human Services at the 50th percentile of local market rates. This bill increases the payment rates to the 75th percentile of local market rates for payments the department makes on behalf of recipients of benefits under the child care subsidy program, recipients of benefits under TANF and recipients of benefits under ASPIRE-TANF.

2. It allows recipients of child care subsidies to pay the difference out of pocket between the amount of subsidy received and the amount charged by the child care provider.

3. It exempts from licensure family child care providers, nursery schools and small child care facilities that care for fewer than five children. Current law maintains this exemption for fewer than three children.

4. It establishes a five-year license and certification for child care providers that have been continuously in business without compliance violations. The cost of a five-year license or certification is 150% of the current two-year license or certification.

5. It specifies that when an inspection is prompted by a complaint the investigator may investigate only the specific complaint and not conduct an inspection that is unrelated to the complaint.

6. It removes the authority of the department to post complaints and investigation results on the department's website.

7. It establishes the Child Care Appeal Review Panel to review disputes related to the licensing and certification of child care facilities. This includes revocations, suspensions, denials, demotions to conditional status, rule compliance issues and denials of requests for alternative compliance methods. The review panel members are

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6. It establishes a pilot program that provides access to reliable transportation for working low-income families with children or those engaged in a training program directly leading to employment.
7. It establishes a program to reduce energy use and improve heating affordability among low-income homeowners with children.
8. It establishes a TANF reserve fund using accrued but unobligated and unliquidated funds from the TANF federal assistance grant to maintain eligibility and services when adequate funding is not otherwise available.
9. It allows the Department of Health and Human Services to accept referrals from educational institutions and similar programs in the State for eligible parents for the Parents as Scholars Program.
10. It increases the value of the state earned income credit for working families whose incomes are below 150% of the federal poverty level.
11. It ensures that funding to provide the eligibility and services established by this bill will come from the state family assistance grant and the child care development block grant.
12. It establishes the Addiction Prevention and Family Stabilization Program.

Committee Amendment "A" (H-401)

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

1. It removes from the bill the program to reduce energy use and improve heating affordability.
2. It changes the enrollment period for participants in the Working Cars for Working Families Program from three years to four years. It also clarifies that participants must designate 15% of the monthly loan payment for deposit only if they have a loan.
3. It makes minor changes to the factors to be considered in making grants under the Addiction Prevention and Family Stabilization Program. It also removes the years for which the \$1,100,000 in TANF funds must be used.
4. It clarifies that taxpayers with one or more minor dependents are eligible for the enhanced earned income tax credit in the bill.

The amendment adds an appropriations and allocations section.

This amendment was not adopted.

Committee Amendment "B" (H-402)

This amendment, which is a minority report of the committee, removes everything from the bill except the pilot program that provides access to reliable transportation for working low-income families with children or those engaged in a training program directly leading to employment. It decreases the funding for the pilot program to \$6,000,000 rather than the \$10,000,000 in the bill. The amendment also requires the Department of Health and Human Services to promote the Parents as Scholars Program. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

A number of statutory changes to public assistance programs are included in Public Law 2017, chapter 284, Part NNNNNNNN.

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**LD 1481 Resolve, To Establish a Pilot Project To Provide Travel Vouchers to
Persons with Disabilities in Rural Communities**

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

This resolve incorporates the recommendations of the Statewide Independent Living Council's travel voucher working group convened pursuant to Public Law 2015, chapter 452, section 3. It requires the Department of Health and Human Services to issue a request for proposals for a one-year pilot project to develop travel voucher transportation programs for individuals with disabilities living in rural areas of the State. The department is required to report on the progress and implementation of the project to the Joint Standing Committee on Health and Human Services no later than November 30, 2018.

This resolve was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1485 An Act Regarding MaineCare Coverage for Telehealth Services

PUBLIC 307

Sponsor(s)

Committee Report

Amendments Adopted

GRATWICK G
MASTRACCIO A

OTP-AM

S-205
S-328 HAMPER J

This bill requires that services under MaineCare that are provided through telehealth be reimbursed at the same rates as those services that are not provided through telehealth. The bill also requires the Department of Health and Human Services to amend its rule relating to MaineCare coverage for services delivered through telehealth.

Committee Amendment "A" (S-205)

This amendment establishes an advisory group within the Department of Health and Human Services to study telehealth and telemonitoring. It changes the guidance for rulemaking by the department. It changes the date of the required annual report from the department to the Legislature. It also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-328)

This amendment removes the appropriations and allocations section from Committee Amendment "A."

Enacted Law Summary

Public Law 2017, chapter 307 establishes an advisory group within the Department of Health and Human Services to study telehealth and telemonitoring. It defines the services under MaineCare that are provided through telehealth. It allows the Department of Health and Human Services to solicit, apply for and receive grants that support telehealth and telemonitoring. It requires the Department of Health and Human services to report to the Joint Standing Committee of Health and Human Services annually beginning January 1, 2018, on the use of telehealth in the MaineCare program. The bill requires the Department of Health and Human Services to amend its rule relating to MaineCare coverage for services delivered through telehealth and provides guidance for rulemaking to the Department.

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LD 1494 An Act To Increase the Availability of Foster Homes

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D	OTP-AM	H-396

This bill eliminates the requirement that the State Fire Marshal inspect a family foster home and certify that it meets all elements of the fire safety code before the Department of Health and Human Services may issue a license to operate as a family foster home. The bill moves the inspection responsibility to the Department of Health and Human Services, which is directed to adopt rules governing the method of inspection.

Committee Amendment "A" (H-396)

The amendment adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, H.P. 1138.

LD 1495 An Act To Break the Generational Cycle of Domestic Violence

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEAD F BRAKEY E		

This bill provides that a nonprofit organization that provides counseling and educational services to children who are affected by domestic violence and that receives referrals from a parent, guardian or relative of a child affected by domestic violence or a school, law enforcement agency, health care organization, health care provider or domestic violence resource center may apply to the Department of Health and Human Services for funding for these services. The bill directs the department to divide the State into eight regions for purposes of providing funding to these nonprofit organizations and to provide funding in all eight regions. In determining which nonprofit organizations to fund, the department must consider, among other factors, how much money each nonprofit organization spends on administration versus direct services and must give special consideration to nonprofit organizations that minimize administrative expenses and to nonprofit organizations in rural areas. Services provided by the nonprofit organization must be targeted to children who are two years of age or older and under 12 years of age. The bill provides that the department must report on the implementation of these provisions to the joint standing committee of the Legislature having jurisdiction over public safety matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than November 7, 2018.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1496 An Act To Clarify the Scope of the Maternal and Infant Death Review Panel

ONTP

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

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This bill changes the name of the maternal and infant death review panel to the maternal, fetal and infant mortality review panel and allows the panel coordinator access to medical records for the purposes of conducting a review without having to obtain permission in all cases.

LD 1517 Resolve, To Ensure Access to Behavioral Health Services

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A CHIPMAN B	OTP-AM ONTP	H-491

This bill establishes the Behavioral Health Oversight Council to review reimbursement rate-setting for certain behavioral health services provided under MaineCare and advise the Commissioner of Health and Human Services, the Commissioner of Corrections and the Commissioner of Public Safety regarding the behavioral health system in the State. It sets out requirements for reimbursement rate-setting to be used by the Department of Health and Human Services to determine rates for certain behavioral health services provided under MaineCare. It directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 13, 17, 23, 28, 65 and 97 to increase reimbursement rates by fiscal year 2018-19 to reflect a 20% increase from rates in fiscal year 2008-09.

Committee Amendment "A" (H-491)

This amendment, which is the majority report of the committee, strikes the bill and makes it a resolve. The amendment retains the section in the bill that increases reimbursement rates by June 1, 2018. The increase in that section is changed from 20% to 2%, which must be applied to employee wages and benefits. The amendment specifies that increases to Section 97, Private Non-Medical Institution Services include only Appendix B and Appendix E. The amendment adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

**LD 1527 An Act To Ensure Safety, Quality and Transparency in the Medical
Marijuana Market and To Ensure Sufficient Funding for Regulation
and Enforcement with Respect to the Retail Marijuana Industry**

CARRIED OVER

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

This bill amends the Maine Medical Use of Marijuana Act in the following ways.

1. It imposes mandatory testing, labeling and record-keeping requirements on registered dispensaries. It provides that registered dispensaries are subject to inspection by the local fire department, building inspector or code enforcement officer to confirm that no health or safety concerns are present and that local health and safety ordinances apply to registered dispensaries.
2. It imposes mandatory testing, labeling and record-keeping requirements on registered primary caregivers. It provides that registered primary caregivers are subject to inspection by the Department of Health and Human Services to ensure regulatory compliance. It provides that registered primary caregivers are subject to inspection by the local fire department, building inspector or code enforcement officer to confirm that no health or safety concerns are present and that local health and safety ordinances apply to registered primary caregivers.

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3. It provides that mandatory testing of medical marijuana and medical marijuana products may be conducted by testing facilities licensed under either the Maine Medical Use of Marijuana Act or the Marijuana Legalization Act

4. It imposes a special tax of 20% on retail marijuana and retail marijuana products sold by retail marijuana stores and retail marijuana social clubs to ensure that the tax revenue generated is sufficient to fund enforcement and regulation with respect to the retail marijuana industry. It also provides that in addition to this special tax, retail marijuana and retail marijuana products are subject to the state sales tax.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1538 An Act To Provide Supplemental Nutrition Assistance to Veterans and Rental Assistance to Long-term Homeless Persons Died Between Houses

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

This bill exempts veterans who are otherwise eligible for assistance under the federal Supplemental Nutrition Assistance Program from time limits that would otherwise apply to the veterans. It also requires 5% of the Bridging Rental Assistance Program funding to be used to assist individuals who have been homeless for long periods of time. The Department of Health and Human Services is directed to establish five case management positions to provide services to individuals receiving housing assistance and community mental health services under MaineCare.

Committee Amendment "A" (H-399)

This amendment, which is the majority report of the committee, removes the sections of the bill related to the Bridging Rental Assistance Program and retains only the section related to the eligibility of veterans for the Supplemental Nutrition Assistance Program. This amendment also provides funding to the Department of Health and Human Services for technology changes necessary to implement the bill.

This amendment was not adopted.

LD 1539 An Act To Amend Maine's Medical Marijuana Law CARRIED OVER

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

This bill amends the laws governing the cultivation, possession and use of medical marijuana. It:

1. Amends definitions to add terms and to expand upon or provide clarity for existing terms;
2. Amends the qualifying condition of intractable pain to include pain that a medical provider determines is not managed effectively by prescription narcotics and allows a medical provider the discretion to issue a written certification for any medical condition that the physician believes may be alleviated by the patient's using marijuana for medical use. It also requires consultation with a minimum of three medical professionals, one of whom may be selected by the petitioner, prior to accepting or denying a petition to add a debilitating medical condition as a qualifying condition;
3. Replaces the limit of two and a half ounces of marijuana that may be dispensed to a qualifying patient who is a

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Maine resident during a 15-day period with a limit of no more than two pounds in one transfer;

4. Allows a qualifying patient who is cultivating marijuana to furnish seeds and plants to another qualifying patient;

5. Permits a qualifying patient to designate more than one primary caregiver to assist the patient; the additional primary caregivers may not cultivate marijuana for the patient;

6. Prohibits a visiting qualifying patient, who is not a resident of Maine, from cultivating marijuana;

7. Permits a primary caregiver designated to cultivate marijuana to furnish seeds and plants to an authorized person;

8. Increases the number of employees that a registered cultivating primary caregiver may employ. A primary caregiver designated to cultivate can employ one person for each registry identification card the caregiver is issued;

9. Permits a primary caregiver designated to cultivate marijuana to dispose of marijuana by transferring the marijuana to a designated primary caregiver; current law allows the transfer to a dispensary;

10. Allows for certain authorized transfers of marijuana by a primary caregiver designated to cultivate marijuana for reasonable compensation;

11. Allows a primary caregiver who is assisting no more than two patients who are members of the primary caregiver's household or family to not register with the department;

12. Authorizes a primary caregiver designated to cultivate marijuana to cultivate up to six mature marijuana plants per registry identification card. The maximum number of plants allowed for cultivation is the same as in current law;

13. Removes the limit of two and a half ounces of prepared marijuana and establishes the allowable amount of harvested marijuana to be up to eight pounds that may be possessed by a patient or authorized person on behalf of a patient. It also establishes the allowable amount of marijuana to be up to eight pounds per registry identification card for a designated primary caregiver required to register, no more than eight pounds per patient, up to two patients, for a primary caregiver not required to register and eight pounds per patient for a dispensary designated by a patient;

14. Establishes tracking and reporting requirements for primary caregivers and dispensaries;

15. Permits the Department of Health and Human Services to inspect areas related to marijuana for medical use to assess compliance with the laws regulating marijuana;

16. Reduces the review period from ten days to three business days for a second physician consultation in order for a qualifying patient who is a minor to obtain a written certification when there is a list of consulting physicians and permits a physician to proceed with certification for a minor in the absence of a consulting physician list maintained by the department. It allows the Medical Use of Marijuana Fund to be used at the department's discretion to reimburse families for the cost of the required consultation by a second physician;

17. Extends the immunity existing for dispensary employees, principal officers and board members to registered primary caregivers and their employees;

18. Authorizes the department, in addition to law enforcement agencies, to remove marijuana determined to be in excess of allowable limits;

19. Permits the department to establish a period of time when persons who have had authorizations denied or

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revoked are ineligible for reauthorization;

20. Requires a cardholder to notify the department when the information on the card issued by the department is inaccurate or changes;

21. Amends fees for various registrations;

22. Adds a sanction for a person found to be in possession of a registry identification card issued to another person; and

23. Provides for an opportunity for an informal hearing process for specified persons aggrieved by a department enforcement action.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1545 An Act Regarding Disclosure of Health Care Information of a Deceased Person ONTP

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

This bill requires a health care practitioner or facility to provide health care information of a deceased person to an immediate family member upon request of the family member, including the parent or guardian of a minor child of the deceased when there is documented need for parental medical history for the health and well-being of that minor child.

LD 1556 An Act To Protect Children from Prenatal Drug and Alcohol Exposure Accepted Majority (ONTP) Report

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

This bill amends the law that requires certain mandated reporters of child abuse to report to the Department of Health and Human Services when they know or suspect that an infant had been exposed to drugs or alcohol prior to birth. This bill extends that mandate to all mandated reporters of child abuse, adds substance abuse addiction treatment providers to the list of mandated reporters and requires all mandated reporters to report to the Department of Health and Human Services not only after the birth of an infant but also when they know of or suspect substance abuse by a woman during her pregnancy.

Committee Amendment "A" (H-261)

This amendment replaces the bill and is the minority report of the committee. The amendment requires that a health care provider involved in the care of a pregnant woman who knows or has reasonable cause to suspect that a fetus has been or will be affected by the pregnant woman's unlawful use of drugs during the pregnancy is required to notify the Department of Health and Human Services of the pregnant woman's unlawful use of drugs. The amendment also specifies that this notification must be made in the same manner as other reports of abuse or neglect required by the Maine Revised Statutes, Title 22, chapter 1071, subchapter 2 and that the notification may not be construed to establish a definition of "abuse" or "neglect" and may not be construed to require prosecution for any illegal action, including, but not limited to, the act of exposing a fetus to drugs or other substances or

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unlawful use of drugs by a pregnant woman.

This amendment was not adopted.

LD 1563 *Resolve, To Establish the Maine Health Advisory Committee*

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G TUCKER R	ONTP	

This resolve establishes the Maine Health Advisory Committee.

LD 1612 *An Act To Support Maine Families through Universal Family Care*

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BELLOWS S		

This bill establishes the Universal Family Care Program of universal child care and in-home and community support services for all individuals and families who are eligible. Eligibility for universal child care is based on the age of the child, and eligibility for in-home and community support services is based on medical eligibility. Income is not a factor for eligibility. The bill establishes the Universal Family Care Trust Fund, which is managed by a board composed of members who represent child care providers, home care agencies, employees of child care providers and home care agencies and consumers of child care and home care services. The board employs professional staff and receives advice from an advisory committee composed of the Commissioner of Health and Human Services, the Commissioner of Education and the Commissioner of Labor as well as the Treasurer of State, the President of the Senate and the Speaker of the House of Representatives. Base funding for universal child care is from child care funds from the Temporary Assistance for Needy Families program and the federal Child Care and Development Fund block grant. Base funding for universal in-home and community support services is from federal matching funding related to home and community support services and state funding for elder services provided in the home.

To complete the funding for the Universal Family Care Program, the Department of Administrative and Financial Services, Bureau of Revenue Services is directed to develop and submit to the Joint Standing Committee on Health and Human Services draft legislation to establish universal family care taxes. The taxes are to be structured to include three elements: a tax on wages that is substantially equivalent to the federal Social Security's Old-Age, Survivors, and Disability Insurance program tax, but that applies only to earnings above the annual contribution and benefit base of the federal tax; a self-employment tax applicable to taxpayers who are subject to the federal Self-Employment Contributions Act tax that is equivalent to that tax and applies to net earnings above the annual limit subject to taxation under that federal tax; and a tax equal to the wage and self-employment taxes that is imposed on unearned annual income and that applies in a manner similar to the federal Net Investment Income Tax. The bill directs the Joint Standing Committee on Health and Human Services to report out a bill to the Second Regular Session of the 128th Legislature to establish universal family care taxes to fully fund the Universal Family Care Program.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 1615 An Act To Facilitate Substance Abuse Treatment for Certain Applicants for and Recipients of Temporary Assistance for Needy Families Benefits

Died Between Houses

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

This bill requires an applicant for Temporary Assistance for Needy Families, or TANF, benefits to complete a written screening tool to determine the applicant's likelihood of current substance use. This bill also allows the Department of Health and Human Services, if it has a reasonable suspicion that a recipient of TANF benefits is using an illegal drug or abusing a controlled substance, to require the recipient to complete a written screening tool to determine the TANF recipient's likelihood of substance use. If the results of the screening tool or other factors provide the department with a reasonable suspicion that the applicant or recipient is using an illegal drug or abusing a controlled substance, the department must identify and pay for an appropriate substance abuse treatment program for the applicant or recipient as a condition of obtaining or receiving benefits. If the applicant or recipient refuses to enroll in a treatment program, the applicant or recipient may appeal the denial of benefits but is subject to a drug test. If the applicant or recipient fails the drug test and is unsuccessful with the appeal, the applicant or recipient may still enroll in substance abuse treatment as a condition of obtaining or receiving benefits.

Committee Amendment "A" (H-476)

This amendment, which is the minority report of the committee, replaces the bill. It repeals the provision of law allowing the Department of Health and Human Services to determine reasonable suspicion of illegal drug use or controlled substance abuse by recipients of Temporary Assistance for Needy Families, or TANF, assistance by means other than through the use of a written screening tool. It applies the procedures for applicants contained in the bill to current recipients of TANF assistance with felony drug convictions in the last 20 years. It requires a recipient of TANF assistance who is convicted of a drug conviction of any kind after October 1, 2017 to be enrolled in a substance abuse treatment program in order to retain TANF assistance. The amendment also clarifies that denial of assistance applies only to an adult and not to the eligible children in the adult's household. This amendment adds an appropriations and allocations section.

This amendment was not adopted.

LD 1619 An Act To Report Limited Information to the Controlled Substances Prescription Monitoring Program Concerning Methadone

PUBLIC 243

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-397

This bill allows for the name of a methadone treatment facility and dosage information regarding methadone for the treatment of opioid dependency to be entered into the Controlled Substances Prescription Monitoring Program if a patient has given consent to the facility and the information is disclosed only during a medical emergency and only to medical personnel involved in treating the patient. Any disclosure of methadone dosage information must be documented in the Controlled Substances Prescription Monitoring Program and communicated to the methadone treatment facility.

Committee Amendment "A" (H-397)

This amendment makes the following changes to the bill.

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1. It clarifies that the consent form in the bill is presented to every patient at a methadone treatment facility rather than only to new patients.
2. It requires the Department of Health and Human Services to develop the consent form in both paper or electronic form.
3. It changes the frequency of a patient's dosage information entered into the Controlled Substances Prescription Monitoring Program from every 90 days to the day treatment begins, 90 days later and every 180 days after that.
4. It allows a prescriber or the prescriber's designee to enter a patient's identifying information into the Controlled Substances Prescription Monitoring Program.
5. It provides that disclosure of a patient's identifying information is subject to 42 Code of Federal Regulations, Section 2.32.
6. It requires an enhancement to the Controlled Substances Prescription Monitoring Program to be in a contract amendment rather than a request for proposals process.
7. It requires the department to convene a stakeholder group to advise on the criteria for the enhancement to the Controlled Substances Prescription Monitoring Program. The stakeholders must include methadone providers and providers of emergency services.
8. It removes the date by which the enhancement to the Controlled Substances Prescription Monitoring Program must be completed and requires a progress report on implementation of the enhancement to the Joint Standing Committee on Health and Human Services by January 30, 2018.

Enacted Law Summary

Public Law 2017, chapter 243 allows for the name of a methadone treatment facility and dosage information regarding methadone for the treatment of opioid dependency to be entered into the Controlled Substances Prescription Monitoring Program if a patient has given consent to the facility and the information is disclosed only during a medical emergency and only to medical personnel involved in treating the patient. Any disclosure of methadone dosage information is subject to 42 Code of Federal Regulations, Section 2.32. A patient's dosage information must be entered into the Controlled Substances Prescription Monitoring Program when treatment begins, 90 days after that, and then every 180 days. The Department of Health and Human Services must amend the contract amendment to ensure the required enhancement to the Controlled Substances Prescription Monitoring Program. The department must convene a stakeholder group to advise on the criteria for the enhancement and stakeholders must include methadone providers and providers of emergency services. The department must submit a progress report on implementation of the enhancement to the Joint Standing Committee on Health and Human Services by January 30, 2018.

LD 1620 An Act To Reform Welfare for Increased Security and Employment

**Died On
Adjournment**

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

This bill makes a number of changes to the statutes relating to programs administered by the Department of Health and Human Services.

The bill makes changes to the laws relating to electronic benefits transfer cards by allowing the department to place

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photographs on the cards and to restrict the number of replacement cards issued. It removes reference to the Aid to Families with Dependent Children, or AFDC, program in the laws relating to electronic benefits transfer cards.

The bill requires reporting by the department on welfare fraud, electronic benefits transfer card transactions, provider contracts, grant funding, department out-of-state travel costs and spending in the MaineCare program, the Temporary Assistance for Needy Families program, the statewide food supplement program and municipal general assistance. The bill also requires the Attorney General to report information on welfare fraud cases.

The bill provides for annual eligibility evaluations under the MaineCare program.

The bill allows the department to withhold municipal reimbursement for general assistance if a municipality is found to have committed a violation that includes improper expenditures.

The bill changes the statewide food supplement program eligibility requirements as they relate to felony drug offenders, certain felons convicted of violent crimes and sexual assault, noncooperation with child support collection and certain lottery and gambling winners.

The bill ensures the asset test for the statewide food supplement program eligibility remains in effect and is not waived. It also ensures the federal work requirement and time limit provisions for able-bodied adults without dependents are in effect and not waived.

The bill limits eligibility for the federally funded food supplement program to citizens and individuals with qualified noncitizen status as determined by the United States Department of Agriculture. Under current law, the lifetime limit on Temporary Assistance for Needy Families assistance is 60 months. This bill reduces that limit to 36 months, absent hardship.

The bill repeals the laws governing the food stamp standard utility allowance. The bill makes individuals convicted of the crimes of theft or fraud in connection to the Temporary Assistance for Needy Families program, the statewide food supplement program or child care subsidies ineligible to receive Temporary Assistance for Needy Families assistance.

Finally, the bill requires education programs paid for through the Temporary Assistance for Needy Families program to be for occupations that have at least an average job outlook as determined by the United States Department of Labor, Bureau of Labor Statistics.

Committee Amendment "A" (H-536)

This amendment, which is the minority report of the committee, clarifies that the photograph of an authorized representative of a recipient of benefits issued through an electronic benefits transfer card may be included on the recipient's electronic benefits transfer cards and that such an electronic benefits transfer card is a government-issued identification card. It clarifies that an individual is permanently disqualified from receiving food assistance through the food supplement program if, on or after July 1, 2017, the individual has been convicted of a second or subsequent felony offense that includes as an element of the offense the manufacture, cultivation, distribution, possession or use of a controlled substance. It clarifies that a family group is not eligible for TANF assistance, a child care subsidy or employment services if the family group contains at least one adult member who has received TANF assistance, including federal TANF assistance received in any other state, for 36 or more calendar months since October 1, 1996, unless the Commissioner of Health and Human Services determines a hardship exists. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

A number of statutory changes to public assistance programs are included in Public Law 2017, chapter 284, Part NNNNNNN.

Joint Standing Committee on Health and Human Services

LD 1636 An Act To Allow Municipalities To Establish Ordinances Banning or Restricting Marijuana Caregivers within 500 Feet of a School

**PUBLIC 271
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S	OTP-AM	H-509

This bill amends the Maine Medical Use of Marijuana Act to allow a municipality to adopt an ordinance that prohibits the location of primary caregivers within 500 feet of the property line of a preexisting school.

Committee Amendment "A" (H-509)

This amendment allows a municipality to adopt an ordinance establishing a moratorium on the location within 500 feet of a preexisting public or private school of new or expanded facilities where registered primary caregivers cultivate marijuana plants. Any ordinance adopted may only be adopted until July 1, 2018. Any ordinance adopted may not affect permits or providers that have been approved prior to the adoption of the ordinance. The Joint Standing Committee on Health and Human Services may report out legislation on this topic to the Second Regular Session of the 128th Legislature.

Enacted Law Summary

Public Law 2017, chapter 271 allows a municipality to adopt an ordinance establishing a moratorium on the location within 500 feet of a preexisting public or private school of new or expanded facilities where registered primary caregivers cultivate marijuana plants. It provides that any ordinance adopted may only be adopted until July 1, 2018. It also provides that any ordinance adopted may not affect permits or providers that have been approved prior to the adoption of the ordinance. It authorizes the Joint Standing Committee on Health and Human Services to report out legislation on this topic to the Second Regular Session of the 128th Legislature.

Public Law 2017, chapter 271 was enacted as an emergency measure effective June 23, 2017.

Joint Standing Committee on Health and Human Services

SUBJECT INDEX

Aging and Long-term Care

Enacted

LD 458	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Late-filed Major Substantive Rule of the Department of Health and Human Services	RESOLVE 6 EMERGENCY
LD 517	An Act To Amend Principles of Reimbursement for Residential Care Facilities	PUBLIC 304
LD 1134	An Act To Amend the Laws Governing Nursing Facilities To Permit Nurse Practitioners, Clinical Nurse Specialists and Physician Assistants To Perform Certain Physician Tasks	PUBLIC 145 EMERGENCY
LD 1364	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 17 EMERGENCY

Not Enacted

LD 19	An Act To Assist Residents of Nursing Homes To Return to Their Communities	ONTP
LD 20	An Act To Reimburse Nursing Homes for the Loss of Coinsurance and Deductibles for Skilled Nursing Beds under Rules Adopted by the Department of Health and Human Services	CARRIED OVER
LD 59	An Act To Provide Funding for a Therapeutic Adult Day Service Center	CARRIED OVER
LD 643	Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services	CARRIED OVER
LD 692	Resolve, To Provide Meals to Homebound Individuals	CARRIED OVER
LD 804	An Act To Establish Long-term Memory Care Facilities and To Provide Adequate Staffing and Reimbursement	ONTP
LD 1188	An Act To Facilitate MaineCare-Funded Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes	CARRIED OVER
LD 1214	An Act To Create Fairness in Home-based Care Fees for Service	CARRIED OVER

LD 1314	Resolve, To Improve Access to Neurobehavioral Services	CARRIED OVER
LD 1367	Resolve, To Support Family-directed Housing Initiatives and Alternative Programming for Individuals with Disabilities in Underserved Areas	ONTP
LD 1612	An Act To Support Maine Families through Universal Family Care	CARRIED OVER

Certificate of Need

Not Enacted

LD 482	An Act To Repeal the Maine Certificate of Need Act of 2002	Died Between Houses
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Child Care

Not Enacted

LD 166	An Act To Increase Reimbursement for Child Care Services	CARRIED OVER
LD 230	An Act To Increase Access to Head Start	CARRIED OVER
LD 274	An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers	CARRIED OVER
LD 383	An Act To Increase Access to Child Care	CARRIED OVER
LD 561	An Act To Remove the Requirement That Child Care Facility Workers and Family Child Care Providers Submit to Criminal Background Checks	CARRIED OVER
LD 566	An Act To Improve Access to High-quality Child Care by Increasing Child Care Rates	CARRIED OVER
LD 765	An Act To Allow In-home Child Care Providers To Care for up to 5 Children without State Certification	CARRIED OVER
LD 999	An Act To Provide a Healthy Learning Environment in Early Care Settings by Requiring Rules Concerning Nutrition and Physical Activity	CARRIED OVER
LD 1148	An Act To Safeguard the Rights of Private Child Care Businesses	CARRIED OVER
LD 1177	An Act To Create an Appeals Process for Child Care Providers	CARRIED OVER
LD 1423	An Act To Amend Certain Laws Governing Child Care Providers	CARRIED OVER
LD 1474	An Act To Reduce the Regulation of Child Care Facilities	CARRIED OVER

Child Development

Not Enacted

LD 38	An Act To Strengthen the Maine Children's Growth Council	Died On Adjournment
LD 1111	Resolve, To Establish a Task Force To Study the Causes of and	ONTP

Solutions to the Epidemic of Childhood Obesity in Maine

Children's Mental Health

Not Enacted

LD 266	An Act Regarding Funding for Children's Behavioral Health Day Treatment	Majority (ONTP) Report
LD 384	An Act To Strengthen Maine Children's Mental Health	CARRIED OVER
LD 902	Resolve, To Increase Access to Evidence-based Psychosocial Treatment for Children in the MaineCare Program	CARRIED OVER

Children's Services

Not Enacted

LD 261	Resolve, Directing the Department of Health and Human Services To Prepare for Implementation of the Federal Family First Prevention Services Act	ONTP
LD 262	An Act To Strengthen Kinship Care Opportunities	ONTP
LD 270	An Act To Consolidate Administration of Kinship Care and Relative Placement Issues within the Department of Health and Human Services	CARRIED OVER
LD 326	An Act Regarding the Licensing of Family Foster Homes	ONTP
LD 335	An Act To Expand Child Care Options for Children Placed with Older Kinship Guardians	ONTP
LD 530	An Act To Ensure Medical Assessments for Youth in Foster Care	ONTP
LD 582	An Act To Provide for Timely Physical Examinations of Children Entering State Custody	Veto Sustained
LD 1136	Resolve, Directing the Department of Health and Human Services To Amend Its Rules Regarding Services Provided to Students	ONTP
LD 1374	Resolve, Directing the Department of Health and Human Services To Assess and Improve the Availability of Child Care Services	CARRIED OVER
LD 1494	An Act To Increase the Availability of Foster Homes	CARRIED OVER

Departmental Organization and Administration

Enacted

LD 83	An Act Regarding Changing the Designation of a Parent on the Birth Certificate of an Adult	PUBLIC 5
LD 183	An Act Requiring the Use of the Electronic Death Registration System	PUBLIC 37

Not Enacted

LD 560	An Act To Amend the Laws Governing the Department of Health and Human Services	ONTP
LD 562	An Act Concerning the Department of Health and Human Services	CARRIED OVER
LD 567	An Act To Ensure Timely Expenditure of Federal Funds in the Department of Health and Human Services	ONTP
LD 1053	Resolve, Concerning the Format of Birth Certificates of Deceased Persons	ONTP
LD 1272	An Act To Move Administration of the Child and Adult Care Food Program from the Department of Health and Human Services to the Department of Education	ONTP
LD 1412	An Act To Increase Access to Workforce Development Programs for New Maine Residents	Accepted Minority (ONTP) Report
LD 1435	An Act To Ensure Transparency in the Distribution of Federal Block Grant Funds	CARRIED OVER

Developmental Disabilities

Not Enacted

LD 106	An Act To Provide MaineCare Coverage for Dental Services to Adults with Intellectual Disabilities or Autism Spectrum Disorder	CARRIED OVER
LD 269	An Act To Provide Training for Caregivers of Children with Autism and Related Disorders	ONTP
LD 323	An Act To Fully Fund the Waiting List for the Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder Waiver	CARRIED OVER
LD 763	An Act To Support Individuals with Disabilities by Exempting Certain Wages from Consideration for MaineCare	CARRIED OVER
LD 967	An Act To Ensure Access to Community Services for Persons with Intellectual Disabilities or Autism	CARRIED OVER

Disabilities

Not Enacted

LD 464	Resolve, Directing the Department of Health and Human Services To Facilitate the Scheduling of Transportation for Persons with Disabilities	ONTP
LD 690	An Act To Provide Additional Funding for Persons with Disabilities	Leave to Withdraw Pursuant to Joint Rule 310
LD 1105	An Act To Promote Independent Living for People with	ONTP

Disabilities

LD 1481 Resolve, To Establish a Pilot Project To Provide Travel Vouchers to Persons with Disabilities in Rural Communities CARRIED OVER

Disposition of Human Remains

Enacted

LD 223 An Act To Ensure the Timely Final Disposition of Human Remains PUBLIC 38
LD 476 An Act To Clarify the Authority for Cremation PUBLIC 70
LD 518 An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons PUBLIC 62

End of Life

Not Enacted

LD 347 An Act To Support Death with Dignity Majority (ONTP) Report
LD 1066 An Act To Promote Life with Dignity ONTP

Health

Not Enacted

LD 448 An Act To Fund Research on Cancer in Firefighters ONTP
LD 910 An Act To Encourage Living Kidney Donation in Maine Died On Adjournment
LD 1097 An Act To Develop and Distribute Work Training Pamphlets To Educate State Agencies, Private Businesses and Other Organizations about Dementia CARRIED OVER
LD 1300 An Act To Require a Prescription for a Medication That Contains Certain Substances That May Be Used To Make Methamphetamine ONTP

Health Care

Not Enacted

LD 358 An Act To Close the Gap in Children's Health Care Coverage in Maine Died On Adjournment
LD 550 An Act Requiring Communication of Mammographic Breast Density Information to Patients ONTP
LD 1563 Resolve, To Establish the Maine Health Advisory Committee ONTP

Health Care Workforce

Not Enacted

LD 898 An Act To Address Mandatory Overtime for Hospital Professionals CARRIED OVER

LD 1466 An Act To Address Severe and Ongoing Shortfalls in the Funding of Direct Care Workers in Long-term Care Settings and To Establish the Commission To Study Long-term Care Workforce Issues CARRIED OVER

Health Information and Data

Not Enacted

LD 1545 An Act Regarding Disclosure of Health Care Information of a Deceased Person ONTP

Hospitals

Not Enacted

LD 401 An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities CARRIED OVER

Immunizations

Enacted

LD 161 An Act To Remove the Treasurer of State from the Maine Vaccine Board PUBLIC 7

Not Enacted

LD 272 An Act Requiring Meningococcal Meningitis Vaccinations for Teenagers CARRIED OVER

LD 1303 An Act To Establish the Vaccine Consumer Protection Program within the Department of Health and Human Services INDEF PP

Lead Poisoning

Not Enacted

LD 691 An Act To Prevent Lead Poisoning in Children CARRIED OVER

Maternal/Infant

Enacted

LD 1112 An Act Regarding the Maternal and Infant Death Review Panel PUBLIC 203

Not Enacted

LD 87 An Act To Require Screening for Cytomegalovirus in Newborn Infants ONTP

LD 265 An Act Concerning Screening of Newborns for Lysosomal Storage Disorders Majority (ONTP) Report

LD 1063	An Act To Protect Substance-exposed Infants	CARRIED OVER
LD 1496	An Act To Clarify the Scope of the Maternal and Infant Death Review Panel	ONTP

Medicaid/MaineCare

Enacted

LD 455	An Act Relating to the Provision of Nicotine Replacement Products by Pharmacists	PUBLIC 185
LD 761	An Act To Increase Access to Hearing Aids	PUBLIC 237
LD 1205	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Late-filed Major Substantive Rule of the Department of Health and Human Services	RESOLVE 15 EMERGENCY
LD 1419	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Late-filed Major Substantive Rule of the Department of Health and Human Services	RESOLVE 10 EMERGENCY

Not Enacted

LD 226	An Act To Protect and Improve the Health of Maine Citizens and the Economy of Maine	Leave to Withdraw Pursuant to Joint Rule 310
LD 267	Resolve, To Increase Certain Chiropractic Reimbursement Rates under the MaineCare Program	CARRIED OVER
LD 320	An Act To Provide MaineCare Coverage for Chiropractic Treatment	CARRIED OVER
LD 386	An Act To Establish Universal Health Care for Maine	CARRIED OVER
LD 451	An Act To Continue MaineCare Coverage for Parents during the Rehabilitation and Reunification Process	Died Between Houses
LD 470	An Act To Strengthen Maine's Hospitals and Increase Access to Health Care	CARRIED OVER
LD 478	Resolve, To Require the Department of Health and Human Services To Implement the Department's Study of Ambulance Services	ONTP
LD 687	Resolve, Regarding Reimbursement for Speech and Language Pathology Services	CARRIED OVER
LD 688	An Act To Provide MaineCare Coverage for Music Therapy	Majority (ONTP)

		Report
LD 766	Resolve, To Require the Department of Health and Human Services To Recalculate the MaineCare Reimbursement Rates for Services for Persons with Disabilities	Died On Adjournment
LD 842	Resolve, To Support Home Health Services	CARRIED OVER
LD 998	An Act To Adequately Pay for Emergency Medical Services	CARRIED OVER
LD 1000	Resolve, To Increase Access to Brain Injury Waiver Services	CARRIED OVER
LD 1039	An Act To Enhance Access to Affordable Health Care	Died Between Houses
LD 1110	An Act Concerning Medicaid for Incarcerated Persons about To Be Released	ONTP
LD 1162	An Act To Reduce the Incidence of Obesity and Chronic Disease in Maine	CARRIED OVER
LD 1424	An Act To Amend the Laws Governing MaineCare Eligibility Determination For Applicants To Nursing Homes	ONTP
LD 1436	Resolve, To Reduce MaineCare Spending through Targeted Nutrition Interventions	Died Between Houses

Medical Use of Marijuana

Enacted

LD 764	An Act To Limit the Exclusion of a Patient from Eligibility for an Organ Transplant Based on Medical Marijuana Use	PUBLIC 252
LD 1636	An Act To Allow Municipalities To Establish Ordinances Banning or Restricting Marijuana Caregivers within 500 Feet of a School	PUBLIC 271 EMERGENCY

Not Enacted

LD 238	An Act To Amend the Maine Medical Use of Marijuana Act	CARRIED OVER
LD 411	An Act To Add Addiction to or Dependency on Opiates or Prescription Drugs to the List of Qualifying Conditions for Medical Marijuana	CARRIED OVER
LD 762	An Act To Allow a Percentage of Funds from the Medical Use of Marijuana Fund To Fund Health Care Research	CARRIED OVER
LD 1098	An Act To Ensure Reasonable Accommodations for Children for Whom Medical Marijuana Has Been Recommended	CARRIED OVER
LD 1135	An Act To Strengthen the Efficacy of the Medical Marijuana Laws	CARRIED OVER
LD 1527	An Act To Ensure Safety, Quality and Transparency in the	CARRIED OVER

Medical Marijuana Market and To Ensure Sufficient Funding for Regulation and Enforcement with Respect to the Retail Marijuana Industry

LD 1539 An Act To Amend Maine's Medical Marijuana Law CARRIED OVER

Mental Health

Enacted

LD 1425 An Act To Repeal the Laws Governing the Mental Health Homicide, Suicide and Aggravated Assault Review Board PUBLIC 93

Not Enacted

LD 162 An Act To Improve Care Provided to Forensic Patients Veto Sustained
LD 186 An Act To Improve Peer Support Services CARRIED OVER
LD 607 An Act To Enhance Maine's Coordinated Response to Mental Health Crises ONTP
LD 629 An Act To Improve Rehabilitation Services for Persons with Mental Illness in Maine ONTP
LD 808 An Act To Restore Community Support Services for Adults with Mental Illness Veto Sustained
LD 966 An Act To Create Mental Health Liaison Positions in Each County Jail CARRIED OVER
LD 1133 An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization CARRIED OVER
LD 1189 An Act To Define the Age of Consent for Alcohol or Drug Treatment and Mental Health Services CARRIED OVER
LD 1517 Resolve, To Ensure Access to Behavioral Health Services CARRIED OVER

Oral Health/Dental Care

Not Enacted

LD 1301 An Act To Improve Access to Preventive, Cost-saving Dental Services CARRIED OVER

Prescription Drugs

Enacted

LD 184 An Act To Allow Hospitals To More Efficiently Monitor the Prescribing of Controlled Substances by Amending the Laws Governing Access to Prescription Monitoring Information PUBLIC 87
LD 273 An Act To Add an Exception to Prescription Monitoring Program Requirements PUBLIC 122
LD 479 An Act To Inform Patients of the Dangers of Addicting Opioids PUBLIC 186
LD 1031 An Act To Clarify the Opioid Medication Prescribing Limits Laws PUBLIC 213 EMERGENCY
LD 1363 Resolve, Regarding Legislative Review of Portions of Chapter 11: RESOLVE 16

Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications, a Late-filed Major Substantive Rule of the Department of Health and Human Services EMERGENCY

Not Enacted

LD 232 An Act To Establish an Exemption to the 30-day Supply Limitation on Certain Pain Medication ONTP

LD 551 An Act To Expand the Authority of Naturopathic Doctors To Prescribe Certain Medications ONTP

LD 606 An Act To Ensure Access to All Prescription Drugs Containing Cannabidiol Approved by the Federal Food and Drug Administration ONTP

LD 652 An Act To Provide Drug Price Relief ONTP

LD 655 An Act To Lower the Price MaineCare Pays for Prescription Drugs ONTP

LD 1273 Resolve, To Redispense Donated Prescription Drugs CARRIED OVER

LD 1325 An Act Regarding Opioids and Palliative Care ONTP

Public Assistance

Enacted

LD 221 An Act To Amend the Laws Regarding the Municipality of Responsibility for General Assistance Applicants Released from a State Correctional Facility or County Jail Facility PUBLIC 130

LD 336 An Act To Amend the Requirements of the Temporary Assistance for Needy Families Program PUBLIC 256

LD 481 An Act To Promote Workforce Participation PUBLIC 290 EMERGENCY

LD 1418 An Act To Ban the Purchase of Retail Marijuana and Retail Marijuana Products with Temporary Assistance for Needy Families Program Benefits PUBLIC 208

Not Enacted

LD 10 An Act To Build Greater Accountability into the General Assistance Program by Increasing the Penalty for Falsely Representing Information on an Application for General Assistance Died Between Houses

LD 33 An Act To Adjust the Lifetime Limit for the Receipt of TANF Benefits Majority (ONTP) Report

LD 36 An Act To Create a 9-month Time Limit on General Assistance Benefits for Certain Persons ONTP

LD 219 An Act To Prioritize Use of Available Resources in General Assistance Programs Died Between Houses

LD 220 An Act To Align Time Limits in the Municipal General Died Between Houses

Assistance Program and Temporary Assistance for Needy Families Program

LD 263	An Act To Provide Additional Assistance for the Elderly and Persons with Disabilities Receiving Food Supplement Program Benefits	ONTP
LD 264	An Act To Provide to Certain Benefit Recipients Information Regarding Personal Finance Planning and To Distribute Benefits More Frequently	ONTP
LD 268	An Act To Restrict Cash Access for Electronic Benefit Transfer Cards	Died Between Houses
LD 477	An Act To Prevent Long-term Welfare Dependency	ONTP
LD 480	An Act To Prioritize Access by Maine's Most Vulnerable Citizens to Welfare Resources	Majority (ONTP) Report
LD 689	An Act To Confer Categorical Eligibility for Supplemental Nutrition Assistance Program Benefit Applications	Died Between Houses
LD 886	An Act To Require That Maine Welfare Benefits Be Used in Maine	Died Between Houses
LD 909	An Act To Stimulate the Maine Economy and Alleviate Child Poverty by Indexing Certain Benefits to Inflation	Leave to Withdraw Pursuant to Joint Rule 310
LD 1017	An Act To Strengthen Work Participation in the Temporary Assistance for Needy Families Program	ONTP
LD 1052	An Act To Allow Drug Testing Prior to Providing Welfare Benefits	ONTP
LD 1070	Resolve, To Alleviate Hunger in Rural Maine in Areas of High Unemployment	Died Between Houses
LD 1075	An Act To Eliminate Drug Use among Welfare Recipients	ONTP
LD 1109	An Act To Improve General Assistance Reimbursements	CARRIED OVER
LD 1291	An Act To Increase Affordability of and Access to Heat Pumps for Maine Homeowners	ONTP
LD 1302	An Act To Increase Workforce Participation in the Temporary Assistance for Needy Families Program and Other Assistance Programs	Died Between Houses
LD 1408	An Act To Establish an Independent Citizens Oversight Committee on Maine's Welfare Programs	Died Between Houses
LD 1475	An Act To Reduce Child Poverty by Leveraging Investments in Families Today	Died On Adjournment
LD 1538	An Act To Provide Supplemental Nutrition Assistance to Veterans	Died Between Houses

	and Rental Assistance to Long-term Homeless Persons	
LD 1615	An Act To Facilitate Substance Abuse Treatment for Certain Applicants for and Recipients of Temporary Assistance for Needy Families Benefits	Died Between Houses
LD 1620	An Act To Reform Welfare for Increased Security and Employment	Died On Adjournment

Public Health

Enacted

LD 454	An Act To Ensure Safe Drinking Water for Families in Maine	PUBLIC 230
LD 1108	An Act To Restore Public Health Nursing Services	PUBLIC 312

Not Enacted

LD 40	An Act To Strengthen Requirements for Water Testing for Schools	CARRIED OVER
LD 531	An Act Regarding the Drug Crisis and Ensuring Access to HIV Testing	ONTP
LD 717	An Act To Protect Maine School Children from Lead and Arsenic Exposure	ONTP
LD 889	An Act To Reduce Youth Cancer Risk	Veto Sustained
LD 1001	An Act To Promote Testing of Drinking Water for Maine Families	Died Between Houses
LD 1054	Resolve, To Expand Research To Fight Lyme Disease	ONTP
LD 1119	An Act To Ensure Safe Drinking Water in Public Buildings	ONTP
LD 1433	An Act To Protect Maine Children from Lung Cancer by Requiring Radon Testing in Schools	CARRIED OVER
LD 1495	An Act To Break the Generational Cycle of Domestic Violence	CARRIED OVER

Substance Use Disorder

Enacted

LD 185	An Act To Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse Disorders	PUBLIC 184
LD 324	An Act To Allow Corrections Officers To Administer Naloxone	PUBLIC 220 EMERGENCY
LD 952	An Act To Ensure Access to Opiate Addiction Treatment in Maine	PUBLIC 305
LD 1619	An Act To Report Limited Information to the Controlled Substances Prescription Monitoring Program Concerning Methadone	PUBLIC 243

Not Enacted

LD 107	An Act To Increase the Effectiveness of Opioid Addiction Therapy	ONTP
LD 108	An Act To Allow a Law Enforcement Agency That Treats a	Died Between Houses

Person with Naloxone Hydrochloride To Bill That Person for That Treatment

LD 144	An Act To Create a Pilot Project To Reduce Substance Use Disorders among Youth in Piscataquis County To Be Used as a Model for All Maine Communities	Majority (ONTP) Report
LD 153	An Act Regarding Transportation of Methadone Patients	ONTP
LD 307	An Act To Facilitate the Implementation of Mobile Narcotic Treatment Programs in Rural Counties in the State	ONTP
LD 447	An Act To Coordinate Services and Support Workforce Development for Substance Use Disorder Prevention and Peer Recovery Services	ONTP
LD 504	An Act To Support Evaluation of Opioid Diversion Efforts	ONTP
LD 565	An Act To Address Maine's Opiate Addiction Crisis	CARRIED OVER
LD 605	An Act To Support Evidence-based Treatment for Opioid Use Disorder	CARRIED OVER
LD 634	An Act Regarding the Drug Epidemic in Maine	ONTP
LD 812	Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County	CARRIED OVER
LD 932	Resolve, To Establish the Commission To Study the Siting and Building of a Drug Treatment Facility in Northern Maine	ONTP
LD 1186	Resolve, Directing the Department of Health and Human Services To Develop a Resource Guide for Assistance in Substance Abuse Matters	ONTP
LD 1326	An Act To Reduce Morbidity and Mortality Related to Opioid Misuse	Veto Sustained
LD 1375	An Act To Prevent Overdose Deaths and Infectious Diseases by Establishing Safer Drug Use Facilities	Majority (ONTP) Report
LD 1413	Resolve, Regarding Sober Living Transitional Assistance	ONTP
LD 1430	An Act To Develop a Statewide Resource and Referral Center and Develop Hub-and-spoke Models To Improve Access, Treatment and Recovery for Those with Substance Use Disorder	CARRIED OVER
LD 1556	An Act To Protect Children from Prenatal Drug and Alcohol Exposure	Majority (ONTP) Report

Telemedicine

Enacted

LD 1485	An Act Regarding MaineCare Coverage for Telehealth Services	PUBLIC 307
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Tobacco Sale and Use

Enacted

LD 1170 An Act To Reduce Youth Access to Tobacco Products PUBLIC 308

Not Enacted

LD 34 An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores Majority (ONTP) Report

LD 1329 An Act To Allow Tobacco Retail Establishments To Serve Alcohol CARRIED OVER

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON INSURANCE AND
FINANCIAL SERVICES**

August 2017

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Joint Standing Committee on Insurance and Financial Services

LD 6 An Act To Prohibit Insurance Carriers from Charging Enrollees for Prescription Drugs in Amounts That Exceed the Drugs' Costs

PUBLIC 44

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G FOLEY R	OTP-AM	S-22 S-40 WHITTEMORE R

This bill prohibits a health insurance carrier from retroactively reducing payment on a properly submitted claim by a pharmacy provider. The bill also prohibits a carrier from charging or holding a pharmacy provider responsible for any fee related to a claim that is not apparent at the time the carrier processes the claim, that is not reported on the remittance advice or after the initial claim is adjudicated by the carrier.

Committee Amendment "A" (S-22)

This amendment replaces the bill and changes the title. The amendment prohibits a carrier or pharmacy benefits manager from imposing on an enrollee in a health plan a copayment or other charge that exceeds the cost of the medication. The amendment also prohibits a carrier or pharmacy benefits manager from penalizing a pharmacy provider for disclosing relevant information about the cost or clinical efficacy of a medication to an enrollee.

Senate Amendment "A" To Committee Amendment "A" (S-40)

This amendment specifies that the information that may be communicated without penalty by a pharmacy provider to an enrollee in a health plan regarding cost of a prescription drug or alternative medication is limited to information that pertains to that enrollee's out-of-pocket cost.

Enacted Law Summary

Public Law 2017, chapter 44 prohibits a carrier or pharmacy benefits manager from imposing on an enrollee in a health plan a copayment or other charge that exceeds the cost of the medication. The law also prohibits a carrier or pharmacy benefits manager from penalizing a pharmacy provider for disclosing relevant information about an enrollee's out-of-pocket cost or the clinical efficacy of a prescription drug or alternative medication to an enrollee.

LD 12 An Act To Incorporate Protections for Living Donors into Maine Law

PUBLIC 20

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C DIAMOND B	OTP-AM	H-6

This bill prohibits a denial of coverage or an increase in insurance premiums for life insurance, disability insurance or long-term care insurance for living organ donors. The bill also requires the Department of Health and Human Services to establish, maintain and operate an information service to educate the public on live organ donation.

Committee Amendment "A" (H-6)

This amendment adjusts language in section 2 of the bill to clarify that insurers may not discriminate in the offering, issuance, cancellation, amount of coverage, price or other condition of a life insurance, disability insurance or long-term care insurance policy based solely and without any additional actuarial justification upon the status of an individual as a living organ donor. The amendment also removes the section of the bill that requires the Department of Health and Human Services to establish, maintain and operate an information service to educate the public on live organ donation.

Enacted Law Summary

Joint Standing Committee on Insurance and Financial Services

Public Law 2017, chapter 20 prohibits an insurer authorized to do business in this State from:

1. Limiting coverage or refusing to issue or renew coverage of an individual under any life insurance, disability insurance or long-term care insurance policy due to the status of an individual as a living donor;
2. Precluding an individual from donating all or part of an organ as a condition of receiving coverage under a life insurance, disability insurance or long-term care insurance policy;
3. Considering the status of an individual as a living organ donor in determining the premium rate for coverage of that individual under a life insurance, disability insurance or long-term care insurance policy; or
4. Otherwise discriminating in the offering, issuance, cancellation, amount of coverage, price or other condition of a life insurance, disability insurance or long-term care insurance policy based solely and without any additional actuarial justification upon the status of an individual as a living organ donor.

LD 145 An Act To Protect Consumers from Closure of Inactive Bank Accounts ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D CARSON B	ONTP	

This bill requires a financial institution authorized to do business in this State to notify a holder of an inactive or unclaimed account by registered mail before the closure of the account or the disposition of the money of that closure or disposition.

LD 192 An Act To Require Insurance Coverage for Hearing Aids CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J BELLOWS S	OTP-AM	H-177

This bill requires insurance plans to provide coverage for hearing aids at a minimum of \$3,000 per hearing aid to all individuals with documented hearing loss.

Committee Amendment "A" (H-177)

This amendment makes the bill's requirements for coverage of hearing aids apply to insurance plans issued or renewed on or after January 1, 2019. The amendment also adds language exempting the bill from the provisions of the Maine Revised Statutes, Title 24-A, section 2752.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

Joint Standing Committee on Insurance and Financial Services

LD 237 An Act To Establish a State Bank

**Accepted Majority
(ONTP) Report**

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

This bill establishes the Maine Street Bank effective July 1, 2019, except that the bank may not make, purchase, guarantee, modify or hold loans until the bank has capital of at least \$20,000,000. It specifies the purposes of the bank, establishes a board of directors and creates an advisory committee. It allows the bank to accept deposits of public funds, to make, purchase, guarantee, modify or hold certain loans and to serve as a custodian bank. It directs the Treasurer of State to deposit money into the bank. Excess income of the bank is deposited in the Maine Budget Stabilization Fund.

The bill provides for a quarterly examination of the bank by the Department of Professional and Financial Regulation, Bureau of Financial Institutions and an audit by the State Auditor every two years.

The bill allows counties and municipalities to establish public banks.

The bill directs the Treasurer of State, the Commissioner of Administrative and Financial Services and the Chief Executive Officer of the Finance Authority of Maine to consult with the Attorney General and report to the Joint Standing Committee on Appropriations and Financial Affairs by January 15, 2018 with recommendations to fully implement the bank, including recommendations regarding the merger of the Finance Authority of Maine into the bank. It authorizes the joint standing committee to report out a bill to the Second Regular Session of the 128th Legislature.

Committee Amendment "A" (S-12)

This amendment is the minority report and replaces the bill. The amendment establishes the Maine Green Bank, specifies its purposes, establishes its board of directors and creates its advisory committee. It allows the Maine Green Bank to accept deposits of public funds, make loans and operate as a bank. It directs the Treasurer of State and instrumentalities to deposit public funds into the Maine Green Bank.

The amendment provides for a quarterly examination of the Maine Green Bank by the Department of Professional and Financial Regulation, Bureau of Financial Institutions and an annual audit by the State Auditor. The amendment also provides that the Maine Green Bank is exempt from taxation as a state entity.

This amendment was not adopted.

**LD 239 An Act To Require National Banks To Cooperate in the Administration
of the General Assistance Program**

PUBLIC 28

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E	OTP-AM	S-24

This bill removes the exemption provided to national banks from the law requiring financial institutions to provide account balance information to the State or to a municipality for persons who have applied for or are receiving financial assistance from the State or a municipality.

Committee Amendment "A" (S-24)

Joint Standing Committee on Insurance and Financial Services

This amendment replaces the bill. Like the bill, the amendment removes the exemption provided to national banks from the law requiring financial institutions to provide account balance information to the State or to a municipality for persons who have applied for or are receiving financial assistance from the State or the municipality. The amendment also requires that a signed release form from a depositor be obtained before deposit or balance information can be released by the financial institution and, if the depositor is deceased, a written request from the municipality and a notarized affidavit of death must be provided. The amendment does not grant any authority for the release of any funds by a financial institution.

Enacted Law Summary

Public Law 2017, chapter 28 removes the exemption provided to national banks from the law requiring financial institutions to provide account balance information to the State or to a municipality for persons who have applied for or are receiving financial assistance from the State or the municipality. The law also requires that a signed release form from a depositor be obtained before deposit or balance information can be released by the financial institution and, if the depositor is deceased, a written request from the municipality and a notarized affidavit of death must be provided. The law does not grant any authority for the release of any funds by a financial institution.

LD 284 An Act Concerning Notification after a Security Breach

**Accepted Majority
(ONTP) Report**

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

This bill shortens the time allowed for a delay in notification to residents of the State of a breach of the security of a system that contains computerized personal information from seven business days to three business days.

Committee Amendment "A" (H-7)

This amendment shortens the time allowed for a delay in notification to residents of the State of a breach of the security of a system that contains computerized personal information from seven business days to seven days.

This amendment was not adopted.

LD 308 An Act To Prohibit Charging Maine Seniors Higher Automobile Insurance Premiums Based Solely on Their Age

PUBLIC 11

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B PARRY W	OTP-AM	S-6

This bill repeals two provisions in current law related to the issuance of motor vehicle insurance and consideration of an insured's age by the insurer and incorporates them into one provision. The bill prohibits an insurer from taking certain actions against an applicant or insured under a motor vehicle insurance policy based solely upon the age of the applicant or insured.

Committee Amendment "A" (S-6)

This amendment replaces the bill. The amendment clarifies that an insurer may not refuse to issue personal automobile insurance for the sole reason that a person has reached a certain age and clarifies that the prohibitions of certain actions based solely upon age apply to an applicant for coverage as well as to existing insureds.

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Enacted Law Summary

Public Law 2017, chapter 11 clarifies that an insurer may not refuse to issue personal automobile insurance for the sole reason that a person has reached a certain age and that the prohibitions of certain actions based solely upon age apply to an applicant for coverage as well as to existing insureds.

LD 360 An Act To Allow Consumers To Shop for Credit without Damaging ONTP
Their Credit Scores

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

This bill prohibits a consumer reporting agency from considering the number of credit inquiries made by a consumer or on behalf of a consumer as a factor in the calculation of a consumer's credit score.

LD 361 An Act To Ensure Fair Compensation for Licensed Insurance Agents PUBLIC 60

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R CHENETTE J	OTP-AM	H-69

This bill requires insurers that offer qualified health plans in this State to ensure that only licensed insurance producers and consultants enroll individuals and employees during special enrollment periods and to meet certain compensation requirements for enrollment during annual and special enrollment periods. The bill also requires that these insurance producers and consultants receive training to recognize potential cases of fraud, waste and abuse related to special enrollment periods.

Committee Amendment "A" (H-69)

This amendment replaces the bill. Like the bill, the amendment requires insurers that offer health plans in this State to pay commissions to licensed insurance producers for enrollments made during annual and special enrollment periods and to pay an equal commission for enrollments made during a special enrollment period. The amendment also prohibits an insurer from eliminating, restricting or limiting the payment of a commission to a producer for enrollment of an individual in a health plan during any annual enrollment period on the basis that the producer was not paid a commission for the enrollment of the same individual by the producer in a prior plan year during a special enrollment period.

The amendment removes the provisions in the bill that require insurers to ensure that only licensed insurance producers and consultants enroll individuals and employees during special enrollment periods and that require that these insurance producers and consultants receive training to recognize potential cases of fraud, waste and abuse related to special enrollment periods. The amendment also removes references to licensed insurance consultants and clarifies that the requirements related to the payment of commissions apply when an insurance producer holds an appointment from or is contracted with the insurer.

The amendment clarifies that the provisions apply to health plans issued or renewed on or after January 1, 2018.

Enacted Law Summary

Public Law 2017, chapter 60 requires insurers that offer health plans in this State to pay commissions to licensed insurance producers for enrollments made during annual and special enrollment periods and to pay an equal commission for enrollments made during a special enrollment period. The law also prohibits an insurer from

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eliminating, restricting or limiting the payment of a commission to a producer for enrollment of an individual in a health plan during any annual enrollment period on the basis that the producer was not paid a commission for the enrollment of the same individual by the producer in a prior plan year during a special enrollment period.

The provisions of Public Law 2017, chapter 60 apply to health plans issued or renewed on or after January 1, 2018.

LD 389 An Act To Promote Access to Financial Institutions by Entities That Are CARRIED OVER
Authorized under State Law

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

This bill allows state-chartered credit unions to procure private insurance in lieu of share insurance from the National Credit Union Administration to facilitate the provision of financial services to registered dispensaries or registered caregivers authorized under the Maine Medical Use of Marijuana Act, to entities licensed under the Marijuana Legalization Act and to their employees.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 445 An Act To Encourage Maine Consumers To Comparison-shop for PUBLIC 232
Certain Health Care Procedures and To Lower Health Care Costs

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R PICCHIOTTI J	OTP-AM	S-236

This bill requires all carriers offering health plans in the State, beginning January 1, 2018, to provide a shared savings incentive program as a component of all health plans, except health plans offered through the federally facilitated marketplace established pursuant to the federal Affordable Care Act. The bill establishes the shared savings incentive program for enrollees who elect to receive a comparable health care service that costs less than the average price paid for that service by a carrier. The bill defines "comparable health care service" as a service for which a carrier offers a shared savings incentive payment and includes, at a minimum, a health care service in the following seven categories: physical and occupational therapy services; obstetrical and gynecological services; radiology and imaging services; laboratory services; infusion therapy services; inpatient and outpatient surgical procedures; and outpatient, nonsurgical diagnostic tests and procedures. If an enrollee shops for services, the bill requires a carrier to pay that enrollee a shared savings incentive payment of at least 50% of the difference between the average amount for that comparable health care service and the amount paid, except that a payment is not required if the saved cost is \$50 or less.

The bill authorizes a carrier to establish its own methodology for calculating the average price paid by that carrier under its shared savings incentive program. If an enrollee elects to receive health care services from an out-of-network provider that results in a shared savings incentive payment, a carrier shall apply the amount paid for the comparable health care service toward the enrollee's cost sharing as specified in the enrollee's health plan as if the health care services were provided by a network provider.

The bill also requires carriers to provide certain information to the Department of Professional and Financial Regulation, Bureau of Insurance on an annual basis relating to the payments made to enrollees, the use of health care services for which payments are provided and the saved costs if an enrollee elects to receive health care services from a provider that cost less than the average cost for a particular admission, procedure or service. The Superintendent of Insurance is required to report aggregate information from all carriers to the Legislature on an

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annual basis.

This bill also requires providers to notify patients of their right to shop for certain health care services pursuant to a carrier's shared savings incentive program.

Committee Amendment "A" (S-236)

This amendment replaces the bill. The amendment requires carriers offering health plans in the State, beginning January 1, 2019, to establish a small group health plan design, for all small group health plans compatible with health savings accounts authorized under federal law, in which enrollees are directly incentivized to shop for comparable health care services from low-cost, high-quality providers. The amendment defines "comparable health care service" as a nonemergency, outpatient health care service in the following four categories: physical and occupational therapy services; radiology and imaging services; laboratory services; and infusion therapy services. The amendment requires the Superintendent of Insurance to study and evaluate the incentive programs used by carriers and report annually to the Legislature beginning March 1, 2020. These provisions are repealed on January 1, 2024.

Beginning January 1, 2018, the amendment requires carriers to develop and make available a website and toll-free telephone number to allow enrollees to obtain information about estimated costs for obtaining comparable health care services from network providers. The amendment permits a carrier to direct enrollees to the publicly accessible health care costs website of the Maine Health Data Organization.

Beginning January 1, 2019, the amendment requires carriers upon request by an enrollee to apply the amount paid for a comparable health care service provided by an out-of-network provider toward the enrollee's member cost sharing as specified in the enrollee's health plan as if the health care services were provided by a network provider, as long as the cost of the out-of-network service is the same or less than the statewide average payment for the same service based on data reported on the publicly accessible health care costs website of the Maine Health Data Organization. A carrier may use the average network price paid by the carrier in lieu of the statewide average payment for the same service based on data reported on the publicly accessible health care costs website of the Maine Health Data Organization. The amendment defines an out-of-network provider as a provider located in Maine, Massachusetts or New Hampshire that is enrolled in the MaineCare program as a provider and that participates in Medicare. This provision is repealed January 1, 2024.

The amendment also requires providers to notify patients of their right to obtain comparable health care services from a different provider at the time a provider makes a referral or recommendation for a comparable health care service during an in-person visit.

Enacted Law Summary

Public Law 2017, chapter 232 requires carriers offering health plans in the State, beginning January 1, 2019, to establish a small group health plan design, for all small group health plans compatible with health savings accounts authorized under federal law, in which enrollees are directly incentivized to shop for comparable health care services from low-cost, high-quality providers. The law defines "comparable health care service" as a nonemergency, outpatient health care service in the following four categories: physical and occupational therapy services; radiology and imaging services; laboratory services; and infusion therapy services. The law requires the Superintendent of Insurance to study and evaluate the incentive programs used by carriers and report annually to the Legislature beginning March 1, 2020. These provisions are repealed on January 1, 2024.

Beginning January 1, 2018, the law requires carriers to develop and make available a website and toll-free telephone number to allow enrollees to obtain information about estimated costs for obtaining comparable health care services from network providers. As an alternative, the law allows a carrier to direct enrollees to the publicly accessible health care costs website of the Maine Health Data Organization.

Beginning January 1, 2019, the law requires carriers upon request by an enrollee to apply the amount paid for a

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comparable health care service provided by an out-of-network provider toward the enrollee's member cost sharing as specified in the enrollee's health plan as if the health care services were provided by a network provider, as long as the cost of the out-of-network service is the same or less than the statewide average payment for the same service based on data reported on the publicly accessible health care costs website of the Maine Health Data Organization. A carrier may use the average network price paid by the carrier in lieu of the statewide average payment for the same service based on data reported on the publicly accessible health care costs website of the Maine Health Data Organization. The law defines an out-of-network provider as a provider located in Maine, Massachusetts or New Hampshire that is enrolled in the MaineCare program as a provider and that participates in Medicare. This provision is repealed January 1, 2024.

Public Law 2017, chapter 232 also requires providers to notify patients of their right to obtain comparable health care services from a different provider at the time a provider makes a referral or recommendation for a comparable health care service during an in-person visit.

LD 453 Resolve, Regarding Insurance Coverage for Alternative Therapies for Addiction and Recovery CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G BROOKS H		

This resolve requires the Superintendent of Insurance to convene interested parties to evaluate commercial insurance coverage for addiction treatment and recovery alternative therapies and report findings and recommendations to the Joint Standing Committee on Insurance and Financial Services before January 15, 2018. The resolve authorizes the Joint Standing Committee on Insurance and Financial Services to submit a bill to the Second Regular Session of the 128th Legislature based upon the report.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 502 An Act Regarding Hospital Charges and Statements ONTP

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

This bill prohibits a hospital from billing an uninsured patient or a patient not covered under a health plan operating under a network agreement between the hospital and the patient's health plan for any inpatient or outpatient service or procedure at a level that exceeds 120% of the average allowable reimbursement rate under Medicare for that service or procedure. The bill requires a carrier to disclose to a prospective enrollee prior to enrollment if a health plan has a provider network that operates under a provider agreement between the participating provider and carrier that subjects an enrollee to the terms of the agreement upon enrollment and that requires reimbursement for any hospital inpatient and outpatient services and procedures at a level that exceeds 150% of the average allowable reimbursement rate under Medicare for that service or procedure. For an enrollee enrolled in that type of health plan, a carrier may not deny the enrollee covered by a health plan the right to audit any hospital bill or explanation of benefits form.

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**LD 556 Resolve, Regarding Legislative Review of Portions of Chapter 191:
Health Maintenance Organizations and of the Final Repeal of Chapter
750: Standardized Health Plans, Major Substantive Rules of the
Department of Professional and Financial Regulation, Bureau of
Insurance**

**RESOLVE 8
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 191: Health Maintenance Organizations and of the final repeal of Chapter 750: Standardized Health Plans, major substantive rules of the Department of Professional and Financial Regulation, Bureau of Insurance.

Enacted Law Summary

Resolve 2017, chapter 8 authorizes final adoption of amendments to Chapter 191: Health Maintenance Organizations and of the final repeal of Chapter 750: Standardized Health Plans, major substantive rules of the Department of Professional and Financial Regulation, Bureau of Insurance.

Resolve 2017, chapter 8 was finally passed as an emergency measure effective April 30, 2017.

**LD 592 An Act To Enable the Maine Employers' Mutual Insurance Company To
Better Serve Maine Employers by Eliminating the High-risk Program**

PUBLIC 15

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R FARRIN B	OTP	

This bill eliminates the requirement that the Maine Employers' Mutual Insurance Company maintain a high-risk program. The bill retains the provisions that were contained in the high-risk program language regarding the filing of retrospective rating plans and making retrospective rating plans available to policyholders.

Enacted Law Summary

Public Law 2017, chapter 15 eliminates the requirement that the Maine Employers' Mutual Insurance Company maintain a high-risk program. The law retains the provisions that were contained in the high-risk program language regarding the filing of retrospective rating plans and making retrospective rating plans available to policyholders.

LD 608 An Act Regulating Employee Benefit Excess Insurance

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M WHITTEMORE R	ONTP	

This bill provides that an insurer or a subsidiary of an insurer may not provide employee benefit excess insurance to an employer that is eligible for a small group health plan.

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LD 609 An Act To Prohibit Insurance Carriers That Are Not Health Insurance Carriers from Operating as Managed Care Organizations

Leave to Withdraw Pursuant to Joint Rule

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

This bill prohibits an insurer from imposing a fee schedule, reducing reimbursement or imposing limits on the type or frequency of health care services covered under any automobile insurance liability policy or workers' compensation policy based on the terms and conditions of a health care provider's separate contract with the insurer's affiliated health insurer, health maintenance organization or other managed care organization without the express prior written consent of the health care provider.

LD 658 An Act To Conform Maine Law Regarding Insurer Privacy Notices to Federal Law

PUBLIC 36

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R PICCHIOTTI J	OTP OTP-AM	

This bill removes the general requirement that an insurer provide written notice of its information practices on an annual basis or when a policy is reinstated or benefits are changed. This bill requires that the notices must be provided if a change is made in the insurer's information practices.

Committee Amendment "A" (S-29)

This amendment is the minority report of the committee and replaces the bill. The amendment requires a regulated insurance entity to provide written notice to a policyholder of its information practices on an annual basis or when a policy is reinstated or benefits are changed unless the policyholder has elected to receive the notice only if a change has been made in the entity's information practices. The bill requires that notices be provided to all policyholders only if a change is made in the insurer's information practices.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 36 removes the general requirement that an insurer provide written notice of its information practices on an annual basis or when a policy is reinstated or benefits are changed. The law requires that the notices must be provided if a change is made in the insurer's information practices.

LD 659 An Act To Amend the Maine Guaranteed Access Reinsurance Association Act

PUBLIC 124

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R FOLEY R	OTP-AM	S-123

This bill extends the suspension of the operations of the Maine Guaranteed Access Reinsurance Association for two years, until December 31, 2019. The bill also directs the Superintendent of Insurance to make a recommendation

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before February 15, 2019 to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters relating to the continued operation or dissolution of the association.

Committee Amendment "A" (S-123)

This amendment replaces the bill. The amendment extends the suspension of the operations of the Maine Guaranteed Access Reinsurance Association until December 31, 2023. The amendment also authorizes the Superintendent of Insurance to develop a proposal for an innovation waiver under Section 1332 of the federal Patient Protection and Affordable Care Act to facilitate the resumption of operations of the association and, if approved by the Governor, to apply for and implement a Section 1332 waiver. The suspension of the operations is continued until 2023 to reflect that innovation waivers are currently granted for five-year terms.

Enacted Law Summary

Public Law 2017, chapter 124 extends the suspension of the operations of the Maine Guaranteed Access Reinsurance Association until December 31, 2023. The law also authorizes the Superintendent of Insurance to develop a proposal for an innovation waiver under Section 1332 of the federal Patient Protection and Affordable Care Act to facilitate the resumption of operations of the association and, if approved by the Governor, to apply for and implement a Section 1332 waiver. The suspension of the operations is continued until 2023 to reflect that innovation waivers are currently granted for five-year terms.

LD 660 An Act To Allow Credit and Debit Card Surcharges CARRIED OVER

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

Current law prohibits the seller in a sales transaction from imposing a surcharge on a cardholder who pays using a credit card or debit card. This bill repeals that prohibition.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 666 An Act To Improve Access to Cost-effective Health Care Services ONTP

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

This bill requires health insurance carriers to apply the amount paid for a health care service provided by an out-of-network provider toward the enrollee's member cost sharing as specified in the enrollee's health plan as if the health care services were provided by a network provider if the cost of the out-of-network service is the same or less than the statewide average payment for the same service based on data reported on the publicly accessible health care costs website of the Maine Health Data Organization.

LD 696 An Act Regarding Insurance and Financial Services CARRIED OVER

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

Joint Standing Committee on Insurance and Financial Services

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

The bill proposes to improve the laws regarding insurance and financial services.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 718 An Act To Reinstitute the Maine Health Exchange Advisory Committee **Accepted Majority
(ONTP) Report**

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

This bill establishes the Maine Health Exchange Advisory Committee on a permanent basis.

Committee Amendment "A" (H-127)

This amendment is the minority report of the committee. The amendment changes the title of the bill and the name of the advisory committee established in the bill. The amendment broadens the scope of duties of the advisory committee to reflect that there may be changes in federal health care law. The amendment also clarifies that the Legislative Council may not provide staff support to the advisory committee during the legislative session and authorizes the advisory committee to contract for administrative, professional and clerical services if funding permits.

The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 722 An Act Regarding Uninsured Vehicle Coverage **ONTP**

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

This bill explicitly provides that the laws governing uninsured vehicle coverage apply to umbrella policies and excess policies. It also requires that documents tendered to settle a claim for bodily injury that may be the subject of coverage under the laws governing uninsured vehicle coverage contain a warning to ensure that persons settling bodily injury claims understand that by signing a release they may be giving up their right to uninsured vehicle insurance benefits from other sources, including their own insurance companies.

LD 769 An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size **Died Between
Houses**

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

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This bill prohibits insurance carriers providing individual health plans or small group health plans from varying premium rates based on age, geographic location or tobacco use on or after January 1, 2018. The bill also reduces the variation based on group size to 1.5 to one for small group plans over time.

Committee Amendment "A" (H-143)

This amendment is the minority report of the committee. The amendment reduces the maximum rate differential in premium rates for individual and small group health insurance policies on or after January 1, 2019 on the basis of geographic area from 1.5 to 1.2 and tobacco use as determined by ratio from 1.5 to one to 1.2 to one and maintains the rate differential due to age and group size at three to one. The bill prohibits insurance carriers providing individual health plans or small group health plans from varying premium rates based on age, geographic location or tobacco use on or after January 1, 2018.

This amendment was not adopted.

LD 770 An Act To Clarify Insurance Coverage in School-based Health Centers

**Accepted Majority
(ONTP) Report**

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

This bill prohibits health insurance carriers from denying coverage for services delivered in a school setting under a contract with a federally qualified health center if the same services would be covered if provided at the federally qualified health center.

Committee Amendment "A" (H-96)

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

This amendment was not adopted.

LD 817 An Act To Promote Early Detection of Breast Cancer

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C PIERCE T	ONTP OTP-AM	

This bill requires health insurance carriers to provide coverage for a magnetic resonance imaging scan after a baseline mammogram examination if the mammogram demonstrates dense breast tissue.

Committee Amendment "A" (S-117)

This amendment is the minority report of the committee. The amendment requires health insurance carriers to provide coverage for an ultrasound evaluation, a magnetic resonance imaging scan, three-dimensional mammography or additional testing of an entire breast or breasts after a baseline mammogram examination if the mammogram results demonstrate dense breast tissue or are abnormal within any degree of breast density or if the person has certain risk factors for breast cancer. The bill limits coverage to a magnetic resonance imaging scan. The requirements apply to all individual and group policies and contracts issued or renewed on or after January 1, 2019. The amendment also adds language exempting the bill from the provisions of the Maine Revised Statutes,

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Title 24-A, section 2752.

This amendment was not adopted.

LD 870 An Act To Protect Life Insurance Beneficiaries

ONTP

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

This bill requires that, prior to the payment of any benefits, an insurer notify a beneficiary entitled to benefits following the death of an insured under a life insurance policy that the beneficiary has the right to elect payment of the death benefits in a lump sum and, if the beneficiary may elect that the insurer hold the benefits in trust, what the terms and conditions are for holding the benefits in trust.

LD 880 An Act To Protect a Homeowner's Equity of Redemption in a Foreclosure Action

PUBLIC 133

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B	OTP-AM	S-96

This bill provides that a writ of possession may not issue in a foreclosure action that involves a residential mortgage until the mortgagor's period of redemption expires. The period of redemption expires 90 days from the date of judgment for mortgages executed on or after October 1, 1975 and one year from the date of judgment for mortgages executed prior to October 1, 1975.

Committee Amendment "A" (S-96)

This amendment incorporates the provision in the bill that provides that a writ of possession may not issue in a foreclosure action that involves a residential mortgage until the mortgagor's period of redemption expires. The amendment also clarifies that the provision in the bill does not impair the right of a mortgagee to exercise rights set forth in the mortgage or security instrument to protect the mortgaged property.

Enacted Law Summary

Public Law 2017, chapter 133 provides that a writ of possession may not issue in a foreclosure action that involves a residential mortgage until the mortgagor's period of redemption expires. The period of redemption expires 90 days from the date of judgment for mortgages executed on or after October 1, 1975 and one year from the date of judgment for mortgages executed prior to October 1, 1975.

The law also clarifies that the statutory provision does not impair the right of a mortgagee to exercise rights set forth in the mortgage or security instrument to protect the mortgaged property.

LD 900 An Act Regarding Insurance Coverage of Certain Dental Services

Accepted Majority
(ONTP) Report

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

Joint Standing Committee on Insurance and Financial Services

This bill prevents insurers and health maintenance organizations offering individual and group coverage from limiting dental fees that are not covered by the insurer or the portion of a dental fee that exceeds the amount covered. The provision applies to all individual and group health insurance policies, contracts and certificates issued or renewed on or after January 1, 2018.

Committee Amendment "A" (S-56)

This amendment is the minority report of the committee and replaces most of the bill. Like the bill, the amendment prohibits insurers and health maintenance organizations offering individual and group coverage from limiting dental fees that are not covered by the insurer. The amendment also adds a definition of "covered service" to clarify that a dental provider must charge the contracted fee for a service that a health plan or dental plan would be obligated to pay but for the application of contractual limitations such as deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments or any other limitations.

The amendment changes the term "dentist" to "dental provider" with the intent to include independent practice dental hygienists and dental hygiene therapists as well as dentists. The amendment also eliminates references in the bill that appear to permit balance billing of a patient.

This amendment applies to contracts executed or renewed on or after January 1, 2018.

This amendment was not adopted.

LD 920 An Act Regarding Credit Card Interest Rates ONTP

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

This bill caps credit card interest rates at 18%.

LD 949 An Act Regarding Telehealth Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G HIGGINS N	OTP-AM ONTP	S-187

This bill does the following.

1. It provides immunity from liability to health care practitioners who voluntarily provide health care services through telehealth in the same manner as immunity is provided to health care practitioners who voluntarily provide health care services in person.
2. It requires insurers to provide professional liability insurance for health care services provided through telehealth services in the same manner as the coverage is provided through face-to-face contact between a health care practitioner and a patient.
3. It requires carriers that offer health plans in this State to provide coverage for health care services provided through telehealth services in the same manner as coverage is provided for services provided in person and sets forth certain standards for coverage of telehealth services.

Joint Standing Committee on Insurance and Financial Services

Committee Amendment "A" (S-187)

This amendment is the majority report of the committee and does the following.

1. It removes the provision in the bill requiring insurers to provide professional liability insurance coverage for health care services provided through telehealth services in the same manner as the coverage is provided for face-to-face contact between a health care practitioner and a patient.
2. It clarifies that carriers may only apply prior approval and credentialing requirements for providers for services provided through telehealth services if the requirements are the same as are applied for services provided in person.
3. It removes the provision requiring carriers to notify enrollees and prospective enrollees about coverage for telehealth services because carriers are already required to provide enrollees and prospective enrollees information about benefits and coverage.
4. It makes the bill's provisions apply to health insurance policies issued or renewed on or after January 1, 2019.

LD 968 An Act To Help Prevent Financial Elder Abuse CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF T CARPENTER M		

This bill requires the form for opening a joint account at a financial institution to have for each party to the account the question, "Do you intend for the sum remaining upon your death to belong to the surviving party or parties? Yes No." Each party to the joint account must answer the question in writing on the form prior to opening the account.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1030 An Act To Require Nondiscrimination Policies in Providing Health Care Services CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J CASAS O		

This bill prohibits health insurance carriers, automobile insurers and workers' compensation insurers from discriminating against health care providers who are licensed, registered or certified by the State in providing covered services as long as the providers are acting within the scope of their licenses, registrations or certifications. The bill also prohibits certain practices that may limit implementation of nondiscrimination policies.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1032 An Act To Ensure Protection and Health Insurance of Patients CARRIED OVER

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

Joint Standing Committee on Insurance and Financial Services

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to ensure the protection and health insurance of patients.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1055 An Act To Update the Statutes under Which Maine's Credit Unions Are Chartered

PUBLIC 143

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K CUSHING A	OTP-AM	H-142

This bill updates the charter provisions for state-chartered credit unions.

1. The bill puts state-chartered credit unions in line with their federally chartered counterparts by repealing the guaranty fund requirements and allowing dividend payments when the credit union establishes and maintains adequate levels of net worth. Currently, state-chartered credit unions must have a percentage of gross income set aside before there may be a dividend payment to a member. The bill directs the Superintendent of Financial Institutions to adopt rules regarding the composition of net worth, the levels that must be maintained and procedures that must be followed to restore net worth if it falls below the minimum standard to continue to safeguard credit union members.
2. To ensure safe and smooth day-to-day operations of state-chartered credit unions and consistent with the trend followed by credit unions in other states, the bill allows the manager or chief executive officer of a credit union, rather than the board of directors, to expel a member for certain types of conduct. The expelled member must be informed of the grounds for the expulsion and may appeal the expulsion.
3. The bill increases the percentage of total surplus that state-chartered credit unions may invest in real estate and fixed assets from 50% to 60%.
4. To bring Maine's state charter in line with its federal counterpart, the bill directs the superintendent to consider federal laws and regulations when determining whether a new credit union service corporation primarily serves a credit union or credit union members and removes a general reference to a statutory provision that in itself is not specific to credit unions and instead incorporates language from that provision that requires credit unions to notify the superintendent in writing 10 days prior to organizing as or investing in a credit union service corporation and vesting the superintendent with the power to prescribe the manner and form of the credit union service corporation's books and accounts.

Committee Amendment "A" (H-142)

The amendment makes the following changes to the bill.

1. It clarifies that the field of membership requirements apply to an out-of-state credit union's activities when doing business in Maine.
2. It permits the adoption of rules relating to adequate levels of net worth for a credit union. The bill mandates the adoption of rules.
3. It provides parity between banks and credit unions for the limits on investments in a single service corporation or in multiple service corporations and permits a credit union to invest up to 20% of its net worth in a single service corporation and to invest up to 50% of its net worth in the aggregate in all service corporations.

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4. It changes the requirement for a credit union to provide prior notice to the Department of Professional and Financial Regulation, Bureau of Financial Institutions when investing in, acquiring or establishing a credit union service corporation from 10 days to 30 days.
5. It adds a provision to the bill so that banks follow the same procedures proposed for credit unions when investing in, acquiring or establishing service corporations.

Enacted Law Summary

Public Law 2017, chapter 143 updates the charter provisions for state-chartered credit unions.

1. The law puts state-chartered credit unions in line with their federally chartered counterparts by repealing the guaranty fund requirements and allowing dividend payments when the credit union establishes and maintains adequate levels of net worth. Currently, state-chartered credit unions must have a percentage of gross income set aside before there may be a dividend payment to a member. The law authorizes the Superintendent of Financial Institutions to adopt rules regarding the composition of net worth, the levels that must be maintained and procedures that must be followed to restore net worth if it falls below the minimum standard to continue to safeguard credit union members.
2. To ensure safe and smooth day-to-day operations of state-chartered credit unions and consistent with the trend followed by credit unions in other states, the law allows the manager or chief executive officer of a credit union, rather than the board of directors, to expel a member for certain types of conduct. The expelled member must be informed of the grounds for the expulsion and may appeal the expulsion.
3. The law increases the percentage of total surplus that state-chartered credit unions may invest in real estate and fixed assets from 50% to 60%.
4. The law provides parity between banks and credit unions for the limits on investments in a single service corporation or in multiple service corporations and permits a credit union to invest up to 20% of its net worth in a single service corporation and to invest up to 50% of its net worth in the aggregate in all service corporations.
5. To bring Maine's state charter in line with its federal counterpart, the law directs the superintendent to consider federal laws and regulations when determining whether a new credit union service corporation primarily serves a credit union or credit union members and removes a general reference to a statutory provision that in itself is not specific to credit unions and instead incorporates language from that provision that requires credit unions to notify the superintendent in writing 30 days prior to organizing as or investing in a credit union service corporation and vesting the superintendent with the power to prescribe the manner and form of the credit union service corporation's books and accounts. The law provides that banks follow the same procedures proposed for credit unions when investing in, acquiring or establishing service corporations.

LD 1064 An Act To Require That Health Insurance Policies Cover Medical Marijuana

Accepted Majority (ONTP) Report

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

This bill requires health insurance carriers to provide coverage for marijuana for medical use for a health plan enrollee who has received certification for the medical use of marijuana from an authorized medical provider.

Committee Amendment "A" (H-460)

This amendment is the minority report of the committee and replaces the bill. The amendment requires a health

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insurance carrier to provide coverage for marijuana for medical use for a health plan enrollee who has received certification for the medical use of marijuana from an authorized medical provider. Carriers are required to directly reimburse a health plan enrollee for the costs of obtaining a medical marijuana certificate and the costs of medical marijuana. The requirements apply to all individual and group policies and contracts issued or renewed on or after January 1, 2019. The amendment also adds language exempting the amendment's provisions from review and evaluation pursuant to the Maine Revised Statutes, Title 24-A, section 2752.

This amendment was not adopted.

LD 1138 An Act To Require Notification of Long-term Care Policy Proposed Rate Increases Accepted Majority (ONTP) Report

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

This bill requires the Department of Professional and Financial Regulation, Bureau of Insurance to notify a policyholder of a long-term care insurance policy of a proposed premium rate increase that affects the policyholder no later than 10 business days after the filing of the premium rate increase.

Committee Amendment "A" (H-161)

This amendment is the minority report of the committee and replaces the bill. The amendment requires the insurer to notify a policyholder of a long-term care insurance policy of a proposed premium rate increase that affects the policyholder no later than 10 business days after the filing of the premium rate increase. The bill requires that the notice be sent by the Department of Professional and Financial Regulation, Bureau of Insurance. The amendment also requires that the notice inform the policyholder of the policyholder's right to contact the Department of Professional and Financial Regulation, Bureau of Insurance to request a hearing on the proposed rate increase.

This amendment was not adopted.

LD 1161 An Act To Amend the Insurance Laws Governing the Provision of Rebates PUBLIC 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D COLLINGS B	OTP-AM ONTP	S-72

This bill amends the laws regarding rebates under life, health and annuity contracts and prohibiting unfair discrimination and rebates by property, casualty and surety insurers to allow a person to offer or provide services, whether or not the services are directly related to an insurance contract, for free or for less than fair market value as long as the receipt of the services is not contingent upon the purchase of insurance. It also requires a written or oral disclosure to be made to the recipient of the services that the services are not contingent on the purchase of insurance.

Committee Amendment "A" (S-72)

This amendment is the majority report of the committee and replaces the bill. This amendment retains the provision in the bill allowing a person to offer or provide services, whether or not the services are directly related to an insurance contract, for free or for less than fair market value, as long as the receipt of the services is not contingent upon the purchase of insurance and the recipient of the services is notified in writing that the services are not contingent on the purchase of insurance. The amendment also increases the dollar limits for permissible gifts in

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connection with marketing and retention of contracts from \$20 per person to \$100 per person and increases the maximum value of prizes awarded in raffles and drawings from \$100 to \$500.

Enacted Law Summary

Public Law 2017, chapter 84 allows a person to offer or provide services, whether or not the services are directly related to an insurance contract, for free or for less than fair market value, as long as the receipt of the services is not contingent upon the purchase of insurance and the recipient of the services is notified in writing that the services are not contingent on the purchase of insurance. The law also increases the dollar limits for permissible gifts in connection with the marketing and retention of insurance contracts from \$20 per person to \$100 per person and increases the maximum value of prizes awarded in raffles and drawings in connection with the marketing and retention of insurance contracts from \$100 to \$500.

LD 1164 An Act To Facilitate Small Loans in Maine

ONTP

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

This bill amends the Maine Consumer Credit Code. It enacts requirements for loans of \$2,000 or less and it authorizes consumer loan lenders and open-end credit creditors to charge origination fees and monthly maintenance fees.

LD 1198 An Act To Enhance the Administration of the State's Group Health Plan

PUBLIC 56
EMERGENCY

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

This bill allows the term of the contract for the State's group health plan to be extended in one-year increments for up to three additional years.

Enacted Law Summary

Public Law 2017, chapter 56 allows the term of the contract for the State's group health plan to be extended in one-year increments for up to three additional years.

Public Law 2017, chapter 56 was enacted as an emergency measure effective May 11, 2017.

LD 1199 An Act To Promote Fiscal Responsibility in the Purchasing of Debt

PUBLIC 216

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H WHITTEMORE R	OTP-AM	H-468

This bill amends the Maine Fair Debt Collection Practices Act in the following ways.

1. It defines the term "debt buyer" and requires debt buyers to obtain debt collector licenses from the Superintendent of Consumer Credit Protection.

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2. It requires creditors to transfer specific documentation when selling or otherwise transferring a consumer debt to another creditor or to a debt buyer.
3. It prevents a debt buyer from obtaining a default judgment in a collection action due to the nonappearance of the consumer in court and instead requires the debt buyer to provide admissible evidence in support of its claim.
4. It prohibits a debt buyer from seeking to garnish a consumer's wages to enforce a judgment obtained against the consumer in a collection action.
5. It makes it unlawful for a creditor or a debt collector to attempt to collect a debt that has been paid, discharged in bankruptcy court or for which the statute of limitations has expired.

This bill also amends the Maine Revised Statutes, Title 16 to prevent debt buyers from enjoying the presumption of correctness attendant to an account annexed form of court action when bringing a lawsuit to enforce a debt.

Committee Amendment "A" (H-468)

This amendment makes the following changes to the bill.

1. It clarifies that the definition of "debt buyer" does not apply to a supervised financial organization or a person that acquires charged-off consumer debt incidental to the purchase of a portfolio predominantly consisting of consumer debt that has not been charged off.
2. It clarifies that debt buyers must conduct criminal background checks on their officers and employees who are actively engaged in the collection of debt. The bill proposes to require all officers and employees of debt buyers to be licensed as debt buyers.
3. It removes provisions in the bill relating to garnishment of wages.
4. It modifies the specific documentation that a creditor or debt collector must have when collecting or attempting to collect a debt.
5. It increases the maximum penalties that may be assessed against a debt buyer that has violated a provision of the Maine Fair Debt Collection Practices Act.
6. It specifies that the provisions of the bill apply to a debt buyer with respect to debts sold on or after January 1, 2018.

Enacted Law Summary

Public Law 2017, chapter 216 amends the Maine Fair Debt Collection Practices Act in the following ways.

1. It defines the term "debt buyer" and clarifies that the definition does not apply to a supervised financial organization or a person that acquires charged-off consumer debt incidental to the purchase of a portfolio predominantly consisting of consumer debt that has not been charged off.
2. It requires that debt buyers must conduct criminal background checks on their officers and employees who are actively engaged in the collection of debt.
3. It requires creditors to transfer specific documentation when selling or otherwise transferring a consumer debt to another creditor or to a debt buyer.
4. It prevents a debt buyer from obtaining a default judgment in a collection action due to the nonappearance of the consumer in court and instead requires the debt buyer to provide admissible evidence in support of its claim.

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5. It increases the maximum penalties that may be assessed against a debt buyer that has violated a provision of the Maine Fair Debt Collection Practices Act.

Public Law 2017, chapter 216 specifies that the provisions of the law apply to a debt buyer with respect to debts sold on or after January 1, 2018.

LD 1229 An Act To Ensure Life Insurance Claims Are Paid

PUBLIC 129

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TERRY M	OTP-AM	H-241

This bill requires life insurers holding unclaimed money to exercise due diligence in finding and notifying all beneficiaries entitled to the money before disposing of the money pursuant to the Uniform Unclaimed Property Act.

Committee Amendment "A" (H-241)

This amendment replaces the bill. The amendment requires life insurers to implement specific procedures for confirming the death of a policyholder and identifying beneficiaries or other persons entitled to payment of life insurance policies.

Enacted Law Summary

Public Law 2017, chapter 129 requires life insurers to implement specific procedures for confirming the death of a policyholder and identifying beneficiaries or other persons entitled to payment of life insurance policies.

LD 1237 An Act To Require Insurance Coverage for Contraceptive Supplies

PUBLIC 190

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J KATZ R	OTP-AM ONTP	H-179

This bill expands the requirements in current law relating to coverage of contraceptives to include coverage for contraceptive supplies approved by the federal Food and Drug Administration for a three-month supply for the first dispensing and a 12-month supply for a subsequent dispensing of the same contraceptive supply. Coverage must be provided without imposing any cost-sharing. The requirements apply to all individual and group policies and contracts issued or renewed on or after January 1, 2018.

Committee Amendment "A" (H-179)

This amendment is the majority report of the committee and replaces the bill. It amends the requirements in current law relating to coverage of contraceptives to include coverage for contraceptive supplies without cost sharing for at least one drug, device or other product for each contraceptive method. If a health care provider recommends a particular contraceptive supply on the basis of medical necessity, coverage must be provided for that particular supply without cost sharing. The amendment also clarifies that coverage must be provided for contraceptives dispensed for a 12-month period at the discretion of the health care provider.

The requirements apply to all individual and group policies and contracts issued or renewed on or after January 1, 2019. The amendment also adds language exempting the bill from the provisions of the Maine Revised Statutes, Title 24-A, section 2752.

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Enacted Law Summary

Public Law 2017, chapter 190 amends the requirements in current law relating to coverage of contraceptives to include coverage for contraceptive supplies without cost sharing for at least one drug, device or other product for each contraceptive method. If a health care provider recommends a particular contraceptive supply on the basis of medical necessity, coverage must be provided for that particular supply without cost sharing. The law also clarifies that coverage must be provided for contraceptives dispensed for a 12-month period at the discretion of the health care provider.

The requirements of Public Law 2017, chapter 190 apply to all individual and group policies and contracts issued or renewed on or after January 1, 2019.

LD 1242 An Act To Prevent Abusive Debt Collection Tactics by Debt Buyers

ONTP

Sponsor(s)

COOPER J

Committee Report

ONTP

Amendments Adopted

This bill amends the Maine Fair Debt Collection Practices Act to give debtors certain protections with respect to debt buyers. A debt buyer may not sell or transfer ownership of a debt or pursue collection activities regarding a debt without possessing specified information, including the names of the original creditor and all intervening creditors. If the debt collector initiates a court action to collect the debt, specific information about the original creditor, the intervening creditors and the basis for any interest, fees and charges must be included in the complaint.

This bill establishes an annual rate of six percent as the maximum post-judgment interest rate applicable to a judgment obtained by a debt buyer.

The bill further provides that a debt may not be collected if a debt buyer violates the Maine Fair Debt Collection Practices Act.

A related bill, LD 1199, An Act to Promote Fiscal Responsibility in the Purchasing of Debt, was enacted as Public Law 2017, chapter 216. See summary for LD 1199.

LD 1274 An Act To Promote Universal Health Care, Including Dental, Vision and Hearing Care

ONTP

Sponsor(s)

BROOKS H
GRATWICK G

Committee Report

ONTP

Amendments Adopted

This bill establishes a single-payer health care system in the State, effective July 1, 2020, that finances health care services for most Maine residents. The bill directs the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Insurance and Financial Services to jointly submit during the 2017 legislative interim legislation to fully implement the single-payer system.

As a result of the committee's deliberations on LD 1274, a joint order, S.P. 592, was introduced to establish the Task Force to Encourage Health Care for All. The joint order establishes the task force to propose at least three design options for creating a system of health care that ensures all residents of the State have access to and coverage for affordable, quality health care. The joint order requires the task force to submit a preliminary report to the Legislature prior to January 2018 and a final report no later than November 1, 2018. The joint order was amended

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to require that the costs of the task force be paid for with outside funding. S.P. 592 as amended by House Amendment "A" (H-564) was finally passed on July 20, 2017.

LD 1279 An Act To Ensure Patient Protections in the Health Insurance Laws

CARRIED OVER

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

This bill allows children 26 years of age and younger to remain on their parents' health insurance policy. It clarifies that carriers offering individual or group health plans may not establish lifetime or annual limits on the dollar value of benefits. It clarifies that individual, group and blanket health plans may not impose a preexisting condition exclusion on any enrollee.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1292 An Act To Improve the Foreclosure Process by Regulating Mortgage Loan Servicers

PUBLIC 106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D WALLACE R	OTP-AM	S-95

This bill amends the Maine Consumer Credit Code to add mortgage loan servicer to the definition of "creditor," to define "mortgage loan servicer" and to require mortgage loan servicers to be licensed in the same manner as supervised lenders are.

Committee Amendment "A" (S-95)

This amendment makes the following changes to the bill.

1. It establishes that the requirements of the bill apply to servicers of first-lien mortgages.
2. It clarifies that servicers must comply with the real estate settlement procedures requirements and the truth in lending requirements of Maine law by adding specific reference to servicers to the Maine Revised Statutes, Title 9-A, Article 9.
3. It removes a section of the bill that unnecessarily modifies a reference to supervised financial institutions.
4. It clarifies that the bill is not intended to assert jurisdiction by the Bureau of Consumer Credit Protection within the Department of Professional and Financial Regulation over financial institution holding companies or mutual holding companies.

Enacted Law Summary

Public Law 2017, chapter 106 amends the Maine Consumer Credit Code to add mortgage loan servicer to the definition of "creditor," to define "mortgage loan servicer" and to require mortgage loan servicers to be licensed in the same manner as supervised lenders are. The law requires that mortgage loan servicers must comply with the real estate settlement procedures requirements and the truth in lending requirements of Maine law by adding specific reference to servicers to the Maine Revised Statutes, Title 9-A, Article 9.

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LD 1354 An Act Relating to Exempt Equity in a Primary Residence

ONTP

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

This bill requires a financial institution that makes a secondary or home equity loan or refinances an existing loan on a primary residence to inform the loan applicant of the total amount of equity in the residence that is exempt from unsecured creditors and provides a sample form for financial institutions to use to inform the applicant, including offering a referral to legal services organizations for a low-income applicant.

LD 1385 An Act Governing Direct Primary Care Service Agreements

PUBLIC 112

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R PICKETT R	OTP-AM	S-127

This bill provides that nothing in state law may be construed as prohibiting a patient or legal representative of a patient from seeking care outside of an insurance plan or outside of the Medicaid or Medicare program and paying for such care. It also provides that nothing in state law may be construed as prohibiting a physician, other medical professional or a medical facility from accepting payment for services or medical products outside of an insurance plan. It provides that a direct primary care membership agreement is not insurance and is not subject to regulation by the Department of Professional and Financial Regulation, Bureau of Insurance. A direct primary care membership agreement is defined as a contract between a direct primary care provider and an individual patient or legal representative of a patient in which the provider agrees to provide primary care services to the individual patient for an agreed-to fee over an agreed-to period of time, the provider agrees not to bill third parties on a fee-for-service basis and any per-visit charges under the agreement are less than the monthly equivalent of the provider fee.

Committee Amendment "A" (S-127)

This amendment replaces the bill. The amendment provides that a direct primary care service agreement is not insurance and is not subject to regulation by the Department of Professional and Financial Regulation, Bureau of Insurance. A direct primary care service agreement is defined as a contract between a direct primary care provider and an individual patient or legal representative of a patient in which the provider agrees to provide primary care services to the individual patient for an agreed-to fee over an agreed-to period of time and the provider agrees not to bill third parties on a fee-for-service or capitated basis. The amendment also clarifies that a direct primary care provider is not prohibited from entering into an agreement with an insurer offering a policy specifically designed to supplement a direct primary care service agreement or from entering into a pilot program for direct primary care with a federal or state agency that provides health coverage.

Enacted Law Summary

Public Law 2017, chapter 112 provides that a direct primary care service agreement is not insurance and is not subject to regulation by the Department of Professional and Financial Regulation, Bureau of Insurance. A direct primary care service agreement is defined as a contract between a direct primary care provider and an individual patient or legal representative of a patient in which the provider agrees to provide primary care services to the individual patient for an agreed-to fee over an agreed-to period of time and the provider agrees not to bill third parties on a fee-for-service or capitated basis. The law also clarifies that a direct primary care provider is not prohibited from entering into an agreement with an insurer offering a policy specifically designed to supplement a

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direct primary care service agreement or from entering into a pilot program for direct primary care with a federal or state agency that provides health coverage.

LD 1386 An Act To Clarify the Public Nature of Annual Statements of Life Settlement Providers

PUBLIC 75

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

This bill clarifies that annual statements filed with the Superintendent of Insurance by life settlement providers are public records.

Enacted Law Summary

Public Law 2017, chapter 75 clarifies that annual statements filed with the Superintendent of Insurance by life settlement providers are public records.

LD 1407 An Act Regarding Prescription Drug Step Therapy

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K PIERCE J	OTP-AM	S-245

This bill requires health insurers to establish a process for prescription drug step therapy override exception determinations.

Committee Amendment "A" (S-245)

This amendment does the following.

1. It clarifies that carriers must apply the utilization review standards under current law when acting on a request for a step therapy override exception determination or an appeal of a determination.
2. It replaces certain terminology used in the bill to be consistent with current law.
3. It changes the applicability of the bill's provisions from January 1, 2018 to January 1, 2019.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1417 An Act To Require Insurance Coverage for the Diagnosis and Treatment of Lyme Disease

CARRIED OVER

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

This bill requires a carrier offering or renewing a health plan in the State to provide coverage to diagnose and treat Lyme disease.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 1476 An Act To Ensure Continued Coverage for Essential Health Care

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J CARSON B		

This bill incorporates current requirements under the federal Patient Protection and Affordable Care Act for coverage of preventive health services, including services for women, into state law. The bill also requires coverage of certain contraceptive methods and services. The bill directs the Superintendent of Insurance to annually review the recommendations and guidelines for coverage of preventive health services to identify any gaps in the minimum coverage provided by health plans and authorizes the joint standing committee of the Legislature having jurisdiction over health insurance matters to introduce legislation to update the requirements for minimum coverage. The requirements apply to all individual and group health insurance policies and contracts issued or renewed on or after January 1, 2018.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1486 An Act To Clarify the Status of the Financial Industry Regulatory Authority and the National Association of Registered Agents and Brokers under the Maine Insurance Code

PUBLIC 115

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

This bill requires the Superintendent of Insurance to maintain as confidential a document or information received from the Financial Industry Regulatory Authority or the National Association of Registered Agents and Brokers if the document or information has been provided to the superintendent with notice that it is confidential under the laws of the jurisdiction that is the source of the document or information.

The bill authorizes the Bureau of Insurance to enter into agreements for the sharing of otherwise confidential information with the Financial Industry Regulatory Authority and the National Association of Registered Agents and Brokers if the recipient of the information agrees to maintain the same level of confidentiality as is available under Maine law and has demonstrated that it has the legal authority to do so.

The bill sets license fees for nonresidents acting in this State as insurance producers pursuant to a national nonresident insurance producer license issued by the National Association of Registered Agents and Brokers and requires them to be appointed by the insurers they represent according to the procedures otherwise applicable to appointment of producers, including the payment of appointment fees.

Enacted Law Summary

Public Law 2017, chapter 115 requires the Superintendent of Insurance to maintain as confidential a document or information received from the Financial Industry Regulatory Authority or the National Association of Registered Agents and Brokers if the document or information has been provided to the superintendent with notice that it is confidential under the laws of the jurisdiction that is the source of the document or information.

The law authorizes the Bureau of Insurance to enter into agreements for the sharing of otherwise confidential information with the Financial Industry Regulatory Authority and the National Association of Registered Agents and Brokers if the recipient of the information agrees to maintain the same level of confidentiality as is available under

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Maine law and has demonstrated that it has the legal authority to do so.

The law sets license fees for nonresidents acting in this State as insurance producers pursuant to a national nonresident insurance producer license issued by the National Association of Registered Agents and Brokers and requires them to be appointed by the insurers they represent according to the procedures otherwise applicable to appointment of producers, including the payment of appointment fees.

LD 1506 An Act To Amend the Usage and Consumer Protections of Guaranteed Asset Protection Waivers

PUBLIC 178

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R FOLEY R	OTP-AM	S-142 S-154 WHITTEMORE R

This bill specifies the rights and obligations of parties to a guaranteed asset protection waiver. A guaranteed asset protection waiver is a contractual agreement in which a creditor agrees for a separate charge to cancel or waive all or part of the amount due on a borrower's finance agreement for a motor vehicle in the event of a total physical damage loss or unrecovered theft of the motor vehicle.

Committee Amendment "A" (S-142)

This amendment makes the following changes to the bill.

1. It clarifies that guaranteed asset protection waivers must include a cancellation provision and ensures that consumers are entitled to pro rata refunds upon cancellation.
2. It includes specific references to the Maine Revised Statutes, Title 24-A.
3. It clarifies that the Superintendent of Financial Institutions is the regulator in relation to state-chartered banks and credit unions.
4. It makes technical changes to use terminology consistent with current law.

Senate Amendment "A" To Committee Amendment "A" (S-154)

This amendment adds cross-references and specifically refers to credit unions to ensure that credit unions are included in the bill's provisions.

Enacted Law Summary

Public Law 2017, chapter 178 specifies the rights and obligations of parties to a guaranteed asset protection waiver. A guaranteed asset protection waiver is a contractual agreement in which a creditor agrees for a separate charge to cancel or waive all or part of the amount due on a borrower's finance agreement for a motor vehicle in the event of a total physical damage loss or unrecovered theft of the motor vehicle.

LD 1507 An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E HIGGINS N		

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This bill does the following.

1. It creates a position of student loan ombudsman under the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection. The student loan ombudsman's duties include: receiving, reviewing and, if possible, resolving complaints from student loan borrowers; compiling and analyzing student loan borrower data; assisting student loan borrowers to understand their rights and responsibilities; providing information to the public, agencies and Legislators regarding concerns of student loan borrowers and making recommendations to resolve them; analyzing and monitoring the development and implementation of other legislation and policies that affect student loan borrowers and recommending necessary changes; reviewing student loan history for borrowers who consent; disseminating information about the ombudsman's availability to assist others; establishing and maintaining a student loan borrower education course; and other necessary actions.
2. It requires the superintendent to submit an annual report by January 1st of each year in regard to the effectiveness of the student loan ombudsman and to recommend additional steps necessary to gain regulatory control over licensing and enforcement with respect to student loan servicers.
3. It establishes a licensing procedure for student loan servicers, which includes an investigation of an applicant, along with a license fee and an investigation fee.
4. It identifies prohibited acts for student loan servicers, including employing any scheme, device or artifice to defraud or mislead student loan borrowers.
5. It identifies duties of the superintendent in regard to investigations and examinations of student loan servicers.
6. It requires student loan servicers to comply with all applicable federal laws and regulations related to student loan servicing.
7. It requires the Commissioner of Professional and Financial Regulation to adopt routine technical rules necessary to carry out the provisions in this bill.

Committee Amendment "A" (S-188)

This amendment makes the following changes to the bill.

1. It removes the provision creating the position of student loan ombudsman under the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection.
2. It clarifies the definition of "student education loan."
3. It provides an exemption from the licensing provisions for supervised financial organizations, financial institution holding companies and mutual holding companies and clarifies that a student loan servicer does not include supervised financial organizations, financial institution holding companies and mutual holding companies.
4. It provides an exemption from the licensing provisions for the Finance Authority of Maine.
5. It provides funding to the department for additional printing, copying and postage.

This amendment was not adopted.

This bill was reported out of committee and then recommitted to the committee; it was then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

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LD 1540 An Act To Protect Consumers' Freedom of Choice in Auto Collision Repairs

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S	OTP-AM ONTP	H-278

This bill amends the provisions of law regarding insurers' initial communications with an insured or claimant filing a claim for collision damage to an automobile in the following ways.

1. It clarifies that an insurer may not intimidate, coerce, threaten or provide incentive or inducement to the insured or claimant to use any particular specified place of business to repair the automobile.
2. It requires an insurer to submit to and have approved by the Superintendent of Insurance the script or talking points the insurer requires to be read or told to an insured or claimant upon receiving the claim and to include in the script or talking points an advisory that the insured or claimant has the legal right to choose the motor vehicle repair service to fix the vehicle.
3. It makes a violation of the provisions of this bill and the other provisions regarding free competition in insurance for motor vehicle repairs an unfair trade practice and a civil violation with graduated fines from \$1,000 for a first offense to \$5,000, a requirement for the second and subsequent offense that the insurer provide proof of corrective measures and, for a fourth or subsequent offense within a 12-month period, possible suspension or revocation of the insurer's certificate of authority.
4. It allows the Attorney General to enforce the provisions of this bill and the other provisions regarding free competition in insurance for motor vehicle repairs.

Committee Amendment "A" (H-278)

This amendment is the majority report of the committee and replaces the bill. The amendment clarifies the provision of law regarding an insurer's communication with an insured or a claimant filing a claim for collision damage to an automobile by requiring an insurer that recommends a particular motor vehicle repair service or a network of repair services to convey to an insured or a claimant upon receiving the claim that the insured or claimant has the legal right to choose the motor vehicle repair service to fix the vehicle.

LD 1544 An Act To Update the Maine Insurance Code To Maintain Conformance with Uniform National Standards

PUBLIC 169

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

This bill updates several provisions of the Maine Insurance Code to incorporate recent amendments to model laws adopted by the National Association of Insurance Commissioners, or NAIC, and makes related technical changes. These amendments maintain the State's compliance with uniform financial solvency standards and with the NAIC's accreditation requirements for state insurance regulators.

Part A enhances regulatory oversight and complies with NAIC accreditation requirements by requiring domestic insurance carriers to file corporate governance annual disclosure reports and clarifying the filing requirement for quarterly financial statements. These requirements apply to health maintenance organizations, nonprofit hospital and medical service organizations and fraternal benefit societies as well as to traditional commercial insurance

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companies. Part A also updates the procedures for examinations and holding company supervision for health maintenance organizations, updates other financial reporting laws to conform to current requirements and clarifies the applicability of statutory accounting principles to nonprofit hospital and medical service organizations.

Part B facilitates coordinated regulatory action and complies with NAIC accreditation requirements by incorporating a group supervision framework. It amends the law regarding Maine insurance holding companies and examination laws to update obsolete references to the former NAIC Examiners' Handbook. It clarifies the Superintendent of Insurance's ability to hire examiners with any necessary credentials. It resolves inconsistencies in the criminal conviction reporting requirements and clarifies that dividend payments and affiliate transactions are aggregated over any consecutive 12-month period for purposes of applying statutory materiality thresholds.

Part C amends the law regarding credit for reinsurance to allow the Superintendent of Insurance to waive certain requirements and to incorporate the recently developed framework establishing uniform minimum collateral requirements for reserve financing transactions.

Part D corrects a conflict between state and federal insolvency laws and clarifies the priority of secured claims and federal claims.

Part E updates the Maine Business Transacted with Broker-Controlled Insurer Act to conform it to the current NAIC model act and comply with NAIC accreditation requirements. It corrects an inconsistency by clarifying the law's applicability to domestic risk retention groups, and it replaces obsolete references to "brokers" with references to "producers." Part E also clarifies a definition of "licensed insurer," amends the disclosure section to treat the producer rather than the insurer as the controlling party, removes superfluous enforcement language and repeals an obsolete transition clause.

Part F makes technical corrections to the risk-based capital standards laws to address issues identified during the most recent Department of Professional and Financial Regulation, Bureau of Insurance accreditation review. These amendments codify current practice and maintain compliance with NAIC accreditation requirements, clarifying that the solvent run-off exception to mandatory control does not apply to health insurers, clarifying that confidential risk-based capital information may be shared with other public officials and agencies on the same basis as other confidential regulatory information, providing that risk-based capital information may not be used for rate-making purposes except to the extent that ratemaking and related activities are part of a corrective action for a risk-based capital impaired insurer and clarifying that the corrective action plan requirements for foreign insurers apply at all action levels.

Part G updates the captive insurance companies laws to respond to emerging regulatory issues and to make technical corrections. It clarifies the definitions of "controlled unaffiliated business" and "pure nonprofit captive insurance company" and clarifies that a captive insurance company's license application's supporting documents must include a plan of operation and that the additional supporting documents required for sponsored captive insurers are subject to the same confidentiality provisions as the other supporting documents. It corrects obsolete references to manager-managed limited liability companies and updates the reporting provisions for association and industrial captive insurers consistent with Part A of the bill. It provides that statutory rather than generally accepted accounting principles audits are to be filed when the captive insurer uses statutory accounting principles as its general basis of accounting, requires a sponsored captive insurer's plan of operation to specify how assets and liabilities are attributed between the protected cells and the general account and clarifies that a sponsored captive insurer's obligations to reinsurers follow the reinsured participant and not the general account.

Enacted Law Summary

Public Law 2017, chapter 169 updates several provisions of the Maine Insurance Code to incorporate recent amendments to model laws adopted by the National Association of Insurance Commissioners, or NAIC, and makes related technical changes. These amendments maintain the State's compliance with uniform financial solvency standards and with the NAIC's accreditation requirements for state insurance regulators.

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Part A enhances regulatory oversight and complies with NAIC accreditation requirements by requiring domestic insurance carriers to file corporate governance annual disclosure reports and clarifying the filing requirement for quarterly financial statements. These requirements apply to health maintenance organizations, nonprofit hospital and medical service organizations and fraternal benefit societies as well as to traditional commercial insurance companies. Part A also updates the procedures for examinations and holding company supervision for health maintenance organizations, updates other financial reporting laws to conform to current requirements and clarifies the applicability of statutory accounting principles to nonprofit hospital and medical service organizations.

Part B facilitates coordinated regulatory action and complies with NAIC accreditation requirements by incorporating a group supervision framework. It amends the law regarding Maine insurance holding companies and examination laws to update obsolete references to the former NAIC Examiners' Handbook. It clarifies the Superintendent of Insurance's ability to hire examiners with any necessary credentials. It resolves inconsistencies in the criminal conviction reporting requirements and clarifies that dividend payments and affiliate transactions are aggregated over any consecutive 12-month period for purposes of applying statutory materiality thresholds.

Part C amends the law regarding credit for reinsurance to allow the Superintendent of Insurance to waive certain requirements and to incorporate the recently developed framework establishing uniform minimum collateral requirements for reserve financing transactions.

Part D corrects a conflict between state and federal insolvency laws and clarifies the priority of secured claims and federal claims.

Part E updates the Maine Business Transacted with Broker-Controlled Insurer Act to conform it to the current NAIC model act and comply with NAIC accreditation requirements. It corrects an inconsistency by clarifying the law's applicability to domestic risk retention groups, and it replaces obsolete references to "brokers" with references to "producers." Part E also clarifies a definition of "licensed insurer," amends the disclosure section to treat the producer rather than the insurer as the controlling party, removes superfluous enforcement language and repeals an obsolete transition clause.

Part F makes technical corrections to the risk-based capital standards laws to address issues identified during the most recent Department of Professional and Financial Regulation, Bureau of Insurance accreditation review. These amendments codify current practice and maintain compliance with NAIC accreditation requirements, clarifying that the solvent run-off exception to mandatory control does not apply to health insurers, clarifying that confidential risk-based capital information may be shared with other public officials and agencies on the same basis as other confidential regulatory information, providing that risk-based capital information may not be used for rate-making purposes except to the extent that ratemaking and related activities are part of a corrective action for a risk-based capital impaired insurer and clarifying that the corrective action plan requirements for foreign insurers apply at all action levels.

Part G updates the captive insurance companies laws to respond to emerging regulatory issues and to make technical corrections. It clarifies the definitions of "controlled unaffiliated business" and "pure nonprofit captive insurance company" and clarifies that a captive insurance company's license application's supporting documents must include a plan of operation and that the additional supporting documents required for sponsored captive insurers are subject to the same confidentiality provisions as the other supporting documents. It corrects obsolete references to manager-managed limited liability companies and updates the reporting provisions for association and industrial captive insurers consistent with Part A of the law. It provides that statutory rather than generally accepted accounting principles audits are to be filed when the captive insurer uses statutory accounting principles as its general basis of accounting, requires a sponsored captive insurer's plan of operation to specify how assets and liabilities are attributed between the protected cells and the general account and clarifies that a sponsored captive insurer's obligations to reinsurers follow the reinsured participant and not the general account.

Joint Standing Committee on Insurance and Financial Services

LD 1557 An Act To Protect Maine Consumers from Unexpected Medical Bills

PUBLIC 218

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M WHITTEMORE R	OTP-AM	H-459

This bill requires that when health care services are provided to a covered person by a nonparticipating facility-based provider at a participating facility and the covered person was unaware or could not reasonably be expected to have been aware that the services were being provided by a nonparticipating facility-based provider, the covered person may not be billed for those health care services. The bill requires the implementation of associated notification and mediation processes. The bill also requires health carriers to make available provider directories.

Committee Amendment "A" (H-459)

This amendment replaces the bill. The amendment provides that a carrier shall require an enrollee that receives a surprise bill from an out-of-network provider to pay only the applicable cost-sharing coinsurance, copayment, deductible or other out-of-pocket expense that would be imposed for the health care services if the services were rendered by a network provider. The amendment also sets the reimbursement rate for that out-of-network provider at the network rate under the enrollee's health plan unless the carrier and out-of-network provider agree otherwise. If an out-of-network provider is reimbursed by the carrier, the provider may not bill the enrollee for any amount beyond the enrollee's applicable cost sharing. Under the amendment, "surprise bill" means a bill for health care services, other than emergency services, received by an enrollee for services rendered by an out-of-network provider, when the services were rendered by the out-of-network provider at a network provider, during a service or procedure performed by a network provider or during a service or procedure previously approved or authorized by the carrier and the enrollee did not knowingly elect to obtain such services from the out-of-network provider.

Like the bill, the amendment requires health carriers to make available provider directories. The amendment provides discretion to the Superintendent of Insurance to determine if rulemaking is necessary.

The amendment adds an effective date of January 1, 2018.

Enacted Law Summary

Public Law 2017, chapter 218 provides that a carrier shall require an enrollee that receives a surprise bill from an out-of-network provider to pay only the applicable cost-sharing coinsurance, copayment, deductible or other out-of-pocket expense that would be imposed for the health care services if the services were rendered by a network provider. The law also sets the reimbursement rate for that out-of-network provider at the network rate under the enrollee's health plan unless the carrier and out-of-network provider agree otherwise. If an out-of-network provider is reimbursed by the carrier, the provider may not bill the enrollee for any amount beyond the enrollee's applicable cost sharing. Under the law, "surprise bill" means a bill for health care services, other than emergency services, received by an enrollee for services rendered by an out-of-network provider, when the services were rendered by the out-of-network provider at a network provider, during a service or procedure performed by a network provider or during a service or procedure previously approved or authorized by the carrier and the enrollee did not knowingly elect to obtain such services from the out-of-network provider.

Public Law 2017, chapter 218 also requires health carriers to make available provider directories.

The provisions of Public Law 2017, chapter 218 take effect January 1, 2018.

Joint Standing Committee on Insurance and Financial Services

SUBJECT INDEX

Banking and Credit Unions

Enacted

LD 239	An Act To Require National Banks To Cooperate in the Administration of the General Assistance Program	PUBLIC 28
LD 1055	An Act To Update the Statutes under Which Maine's Credit Unions Are Chartered	PUBLIC 143

Not Enacted

LD 145	An Act To Protect Consumers from Closure of Inactive Bank Accounts	ONTP
LD 237	An Act To Establish a State Bank	Majority (ONTP) Report
LD 389	An Act To Promote Access to Financial Institutions by Entities That Are Authorized under State Law	CARRIED OVER
LD 968	An Act To Help Prevent Financial Elder Abuse	CARRIED OVER

Consumer Credit

Enacted

LD 1199	An Act To Promote Fiscal Responsibility in the Purchasing of Debt	PUBLIC 216
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Not Enacted

LD 360	An Act To Allow Consumers To Shop for Credit without Damaging Their Credit Scores	ONTP
LD 660	An Act To Allow Credit and Debit Card Surcharges	CARRIED OVER
LD 920	An Act Regarding Credit Card Interest Rates	ONTP
LD 1164	An Act To Facilitate Small Loans in Maine	ONTP
LD 1242	An Act To Prevent Abusive Debt Collection Tactics by Debt Buyers	ONTP

Foreclosure Process

Enacted

LD 880	An Act To Protect a Homeowner's Equity of Redemption in a Foreclosure Action	PUBLIC 133
LD 1292	An Act To Improve the Foreclosure Process by Regulating Mortgage Loan Servicers	PUBLIC 106

Insurance, Health

Enacted

LD 6	An Act To Prohibit Insurance Carriers from Charging Enrollees for Prescription Drugs in Amounts That Exceed the Drugs' Costs	PUBLIC 44
LD 445	An Act To Encourage Maine Consumers To Comparison-shop for Certain Health Care Procedures and To Lower Health Care Costs	PUBLIC 232
LD 556	Resolve, Regarding Legislative Review of Portions of Chapter 191: Health Maintenance Organizations and of the Final Repeal of Chapter 750: Standardized Health Plans, Major Substantive Rules of the Department of Professional and Financial Regulation, Bureau of Insurance	RESOLVE 8 EMERGENCY
LD 659	An Act To Amend the Maine Guaranteed Access Reinsurance Association Act	PUBLIC 124
LD 1237	An Act To Require Insurance Coverage for Contraceptive Supplies	PUBLIC 190
LD 1385	An Act Governing Direct Primary Care Service Agreements	PUBLIC 112
LD 1557	An Act To Protect Maine Consumers from Unexpected Medical Bills	PUBLIC 218

Not Enacted

LD 192	An Act To Require Insurance Coverage for Hearing Aids	CARRIED OVER
LD 453	Resolve, Regarding Insurance Coverage for Alternative Therapies for Addiction and Recovery	CARRIED OVER
LD 608	An Act Regulating Employee Benefit Excess Insurance	ONTP
LD 609	An Act To Prohibit Insurance Carriers That Are Not Health Insurance Carriers from Operating as Managed Care Organizations	Leave to Withdraw Pursuant to Joint Rule 310
LD 666	An Act To Improve Access to Cost-effective Health Care Services	ONTP
LD 718	An Act To Reconstitute the Maine Health Exchange Advisory Committee	Majority (ONTP) Report
LD 769	An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size	Died Between Houses
LD 770	An Act To Clarify Insurance Coverage in School-based Health Centers	Majority (ONTP) Report

LD 817	An Act To Promote Early Detection of Breast Cancer	Majority (ONTP) Report
LD 900	An Act Regarding Insurance Coverage of Certain Dental Services	Majority (ONTP) Report
LD 949	An Act Regarding Telehealth	Veto Sustained
LD 1030	An Act To Require Nondiscrimination Policies in Providing Health Care Services	CARRIED OVER
LD 1032	An Act To Ensure Protection and Health Insurance of Patients	CARRIED OVER
LD 1064	An Act To Require That Health Insurance Policies Cover Medical Marijuana	Majority (ONTP) Report
LD 1274	An Act To Promote Universal Health Care, Including Dental, Vision and Hearing Care	ONTP
LD 1279	An Act To Ensure Patient Protections in the Health Insurance Laws	CARRIED OVER
LD 1407	An Act Regarding Prescription Drug Step Therapy	CARRIED OVER
LD 1417	An Act To Require Insurance Coverage for the Diagnosis and Treatment of Lyme Disease	CARRIED OVER
LD 1476	An Act To Ensure Continued Coverage for Essential Health Care	CARRIED OVER

Insurance, Motor Vehicle

Enacted

LD 308	An Act To Prohibit Charging Maine Seniors Higher Automobile Insurance Premiums Based Solely on Their Age	PUBLIC 11
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Not Enacted

LD 722	An Act Regarding Uninsured Vehicle Coverage	ONTP
LD 1540	An Act To Protect Consumers' Freedom of Choice in Auto Collision Repairs	Veto Sustained

Insurance, Regulation and Practices

Enacted

LD 12	An Act To Incorporate Protections for Living Donors into Maine Law	PUBLIC 20
LD 361	An Act To Ensure Fair Compensation for Licensed Insurance Agents	PUBLIC 60
LD 658	An Act To Conform Maine Law Regarding Insurer Privacy Notices to Federal Law	PUBLIC 36
LD 1161	An Act To Amend the Insurance Laws Governing the Provision of Rebates	PUBLIC 84

LD 1229	An Act To Ensure Life Insurance Claims Are Paid	PUBLIC 129
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LD 1486	An Act To Clarify the Status of the Financial Industry Regulatory Authority and the National Association of Registered Agents and Brokers under the Maine Insurance Code	PUBLIC 115
LD 1544	An Act To Update the Maine Insurance Code To Maintain Conformance with Uniform National Standards	PUBLIC 169

Not Enacted

LD 696	An Act Regarding Insurance and Financial Services	CARRIED OVER
LD 870	An Act To Protect Life Insurance Beneficiaries	ONTP
LD 1138	An Act To Require Notification of Long-term Care Policy Proposed Rate Increases	Majority (ONTP) Report

Insurance, Workers' Compensation

Enacted

LD 592	An Act To Enable the Maine Employers' Mutual Insurance Company To Better Serve Maine Employers by Eliminating the High-risk Program	PUBLIC 15
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Miscellaneous

Enacted

LD 1506	An Act To Amend the Usage and Consumer Protections of Guaranteed Asset Protection Waivers	PUBLIC 178
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Not Enacted

LD 284	An Act Concerning Notification after a Security Breach	Majority (ONTP) Report
LD 502	An Act Regarding Hospital Charges and Statements	ONTP

Mortgage Lending

Not Enacted

LD 1354	An Act Relating to Exempt Equity in a Primary Residence	ONTP
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State Employees, Office of Employee Health and Benefits

Enacted

LD 1198	An Act To Enhance the Administration of the State's Group Health Plan	PUBLIC 56 EMERGENCY
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Student Loans

Not Enacted

LD 1507

An Act To Establish a Student Loan Bill of Rights To License
and Regulate Student Loan Servicers

CARRIED OVER

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON INLAND FISHERIES
AND WILDLIFE**

August 2017

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Joint Standing Committee on Inland Fisheries and Wildlife

LD 11 RESOLUTION, Proposing an Amendment to the Constitution of Maine CARRIED OVER
To Establish the Right To Hunt and Fish

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

This resolution proposes to amend the Constitution of Maine to provide that the right of the people of this State to hunt, fish and harvest game and fish, including by the use of traditional methods, may not be infringed, subject to reasonable laws and rules to promote wildlife conservation and management, to maintain natural resources in trust for public use and to preserve the future of hunting and fishing. It also provides that public hunting and fishing are a preferred means of managing and controlling wildlife.

This resolution was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 35 Resolve, To Allow the Unlicensed Ownership of Hedgehogs as Pets ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E SIROCKI H	ONTP	

This resolve directs the Department of Inland Fisheries and Wildlife to amend its rules on the importation of wildlife into the State and the possession of wildlife to allow the importation and possession of hedgehogs without a permit.

LD 41 An Act To Exempt a Person under 18 Years of Age from the Accepted Majority
Requirement To Wear a Helmet While on an All-terrain Vehicle in (ONTP) Report
Certain Circumstances

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

This bill exempts a person under 18 years of age from the requirement that the person wear a helmet while operating or being carried as a passenger on an all-terrain vehicle when the person is wearing a seat belt and the all-terrain vehicle is equipped with roll bars or bracing welded or attached to the frame in a permanent manner, with a roof or with a protective enclosure.

Committee Amendment "A" (S-207)

This amendment replaces the bill and changes the title. It provides that a passenger under 14 years of age who is properly secured in a seat belt and riding directly adjacent to the passenger's parent, grandparent or legal guardian on a side-by-side all-terrain vehicle with roll bars or other bracing may wear a bicycle helmet.

This amendment was not adopted.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 52 An Act To Exempt Certain Veterans from Hunter Safety Courses

**Died Between
Houses**

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

This bill provides that a veteran of the Armed Forces of the United States is exempt from hunter safety course requirements if that veteran provides at the time of application for a hunting license that veteran's Armed Forces Report of Transfer or Discharge, DD Form 214, or its predecessor or successor forms, or certification from the United States Department of Veterans Affairs or the appropriate branch of the Armed Forces of the United States verifying the applicant's military service and honorable discharge.

Committee Amendment "A" (H-53)

This amendment, which is the majority report of the committee, replaces the substantive provision of the bill. The amendment provides that a veteran of the Armed Forces of the United States who provides verification of military service and who received an honorable discharge within three years of the date of application for a hunting license is exempt from the portions of the hunter safety course requirements that the Commissioner of Inland Fisheries and Wildlife determines have been satisfied by the veteran's military training.

This amendment was not adopted.

LD 60 An Act To Allow Senior Hunters To Shoot Antlerless Deer

ONTP

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

This bill allows persons 70 years of age and older to receive a permit to lawfully take an antlerless deer during the open season on deer. The bill directs the Department of Inland Fisheries and Wildlife to designate which hunting zones are open to the taking of antlerless deer.

**LD 61 An Act To Allow Bird Hunting on Sundays by Licensed Hunters Using a
Shotgun**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D CARPENTER M	ONTP OTP	

This bill allows licensed hunters to hunt wild birds on Sundays with a shotgun.

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LD 62 An Act To Remove the Prohibition on Baiting Deer

**Accepted Majority
(ONTP) Report**

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

This bill repeals the prohibition against baiting deer.

LD 98 An Act To Provide Greater Authority to the Department of Inland Fisheries and Wildlife over the Management of Wild Turkeys

PUBLIC 85

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P BLACK R	OTP-AM	S-102

This bill eliminates the requirement that a person obtain a permit to hunt wild turkeys. This bill increases the number of wild turkeys a person may take during the spring open season for hunting wild turkeys from two wild turkeys of either sex to three male wild turkeys. This bill increases the number of wild turkeys a person may take during the fall open seasons for hunting wild turkeys from two to three of either sex over both seasons. This bill allows a person to register wild turkeys electronically or by telephone.

Committee Amendment "A" (S-102)

This amendment replaces the bill and eliminates the spring and fall open seasons on wild turkey and the bag limits for wild turkey in those seasons. Current law allows the Commissioner of Inland Fisheries and Wildlife to establish open seasons for hunting of wild turkey by rule. The amendment prohibits hunting of wild turkey with a crossbow from October 1st until the first day of the open season established by the commissioner in the following year. The amendment strikes the prohibition on killing or registering wild turkey after having killed or registered one wild turkey in any open season of that calendar year and instead prohibits killing or taking more than the number of wild turkey allowed during an open season established by rule by the commissioner.

Enacted Law Summary

Public Law 2017, chapter 85 eliminates the spring and fall open seasons on wild turkey and the bag limits for wild turkey in those seasons. Current law allows the Commissioner of Inland Fisheries and Wildlife to establish open seasons for hunting of wild turkey by rule. Public Law 2017, chapter 85 prohibits hunting of wild turkey with a crossbow from October 1st until the first day of the open season established by the commissioner in the following year. Public Law 2017, chapter 85 strikes the prohibition on killing or registering wild turkey after having killed or registered one wild turkey in any open season of that calendar year and instead prohibits killing or taking more than the number of wild turkey allowed during an open season established by rule by the commissioner.

LD 109 An Act To Allow Sunday Hunting by Landowners and Those with Landowner Permission

**Accepted Majority
(ONTP) Report**

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

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This bill allows hunting on Sundays on private property with the permission of the landowner.

LD 110 An Act To Assist Island and Coastal Communities with Controlling Excess Deer Populations ONTP

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

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

This bill proposes to address the problem of excess populations of deer in island and coastal communities.

LD 187 Resolve, To Establish a Commission To Simplify Maine's Fishing Rules ONTP

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

This resolve creates the Commission To Simplify Maine's Fishing Rules. The commission is required to submit its report and any accompanying legislation to the Joint Standing Committee on Inland Fisheries and Wildlife by January 16, 2018.

LD 188 An Act To Allow Dipping for Smelt on King Pond in Hancock County Accepted Majority (ONTP) Report

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

This bill allows a person to fish for smelt by use of a dip net in King Pond in the Town of Great Pond in Hancock County.

Committee Amendment "A" (H-54)

This amendment, which is the minority report of the committee, repeals on January 1, 2020 the section that allows smelt fishing in King Pond.

This amendment was not adopted.

LD 189 An Act To Allow Bird Hunting on Sunday in Aroostook County and Unorganized Townships in Western Maine Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAGGAN D SAVIELLO T	ONTP OTP	

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This bill creates an exception to the prohibition against hunting wild birds on Sunday. The bill allows hunting wild birds on Sunday in Aroostook County and in unorganized townships in the counties of Piscataquis, Somerset, Franklin, Oxford, Kennebec, Lincoln, Sagadahoc, Androscoggin, Cumberland and York.

LD 190 An Act To Allow Spearfishing for Northern Pike in Sebago Lake ONTP

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

This bill allows the use of a spear or speargun to fish for northern pike in Sebago Lake.

LD 191 An Act To Allow Open Snowmobile and All-terrain Vehicle Weekends and Events PUBLIC 97

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D JACKSON T	OTP-AM	H-90

This bill establishes, beginning July 1, 2018, a three-day all-terrain vehicle registration reciprocity with the Canadian provinces of New Brunswick and Quebec.

Committee Amendment "A" (H-90)

This amendment replaces the bill. The amendment repeals the provision of law that allows a snowmobile registered in another state or the Canadian province of New Brunswick or Quebec to operate in Maine for at least three consecutive days without being registered in this State if that other state or province extends that reciprocity to a snowmobile registered in this State. Instead, this amendment allows the Commissioner of Inland Fisheries and Wildlife to establish one three-day period annually during which a nonresident may operate in Maine a snowmobile or all-terrain vehicle registered in another state or any Canadian province.

Enacted Law Summary

Public Law 2017, chapter 97 repeals the provision of law that allows a snowmobile registered in another state or the Canadian province of New Brunswick or Quebec to operate in Maine for at least three consecutive days without being registered in this State if that other state or province extends that reciprocity to a snowmobile registered in this State. Instead, Public Law 2017, chapter 97 allows the Commissioner of Inland Fisheries and Wildlife to establish one three-day period annually during which a nonresident may operate in Maine a snowmobile or all-terrain vehicle registered in another state or any Canadian province.

LD 222 An Act Regarding Maine's Moose Lottery ONTP

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

This bill restricts eligibility to apply for a moose hunting permit to residents, nonresidents and aliens eight years of age and older.

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LD 241 An Act To Eliminate the Authority of Game Wardens To Violate the Hunting and Fishing Laws When Carrying Out the Duties of the Department of Inland Fisheries and Wildlife Leave to Withdraw Pursuant to Joint Rule

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

This bill eliminates the authority of game wardens and other officials with the powers of game wardens to violate the provisions of the Maine Revised Statutes, Title 12, Part 13 in carrying out their duties and powers.

LD 275 An Act To Expand Disabled Veteran Eligibility for Complimentary Hunting, Fishing and Trapping Licenses PUBLIC 100

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY J CHENETTE J	OTP-AM ONTP	H-97

This bill expands eligibility for complimentary hunting, trapping and fishing licenses, including permits, stamps and other permissions necessary to hunt, trap and fish in Maine, to include nonresident disabled veterans who hold valid hunting or fishing licenses in the states in which they are residents.

Committee Amendment "A" (H-97)

This amendment, which is the majority report, allows a nonresident veteran with a disability evaluated at 50% or more to obtain at no cost all hunting, trapping and fishing licenses and other provisions in Maine, if the nonresident's state has a reciprocal agreement with Maine. The amendment removes from the bill the requirement that a nonresident veteran hold a valid hunting, trapping or fishing license in the nonresident's state.

Enacted Law Summary

Public Law 2017, chapter 100 allows a nonresident veteran with a disability evaluated at 50% or more to obtain at no cost all hunting, trapping and fishing licenses and other provisions in Maine, if the nonresident's state has a reciprocal agreement with Maine.

LD 276 An Act To Require a Game Warden's Certificate To Kill Wild Animals Causing Damage to Crops or Orchards and Notification to Nearby Residents Accepted Majority (ONTP) Report

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

This bill requires the cultivator, owner, mortgagee or keeper of any orchard or growing crop to obtain a certificate from a game warden in order to take or kill wild animals or wild turkeys causing substantial damage to the orchard or crop. The game warden must investigate the circumstances of the application for a certificate and may issue the certificate if the game warden is satisfied that a wild animal or wild turkey is causing substantial damage to an orchard or crop. The certificate must describe the animals that may be taken or killed and the area where the animals may be taken or killed. The certificate holder must notify residents within 1,000 feet of the boundary of the area where the animals may be taken or killed that the certificate holder is authorized to take or kill those animals in

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that area.

LD 277 An Act Regarding the Use of Helmets by Minors Riding in an All-terrain Vehicle with an Adult ONTP

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

This bill provides an exemption to the requirement that a passenger under 18 years of age on an all-terrain vehicle wear protective headgear. The bill allows a parent, grandparent or legal guardian of a passenger to operate an all-terrain vehicle while the passenger on that all-terrain vehicle is not wearing protective headgear when the passenger is under eight years of age and is riding directly adjacent to the operator on an all-terrain vehicle with side-by-side seating.

LD 278 An Act To Amend the Hunting Laws as They Pertain to the Training of Dogs Accepted Majority (ONTP) Report

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

This bill removes the prohibition on training hunting dogs on bear in those portions of Washington County and Hancock County that are situated south of Route 9.

LD 279 An Act To Give Veterans Priority in the Issuance of Antlerless Deer Permits ONTP

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

This bill requires an antlerless deer permit system adopted by the Commissioner of Inland Fisheries and Wildlife to give priority in the issuance of a permit to a veteran who was honorably discharged from the Armed Forces of the United States or the National Guard.

LD 305 An Act To Increase the Penalty for Allowing Wildlife in Captivity To Escape in Violation of a Permit Requirement PUBLIC 285

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S HANINGTON S	OTP-AM ONTP	S-284

This bill provides that a permit is required to import exotic wildlife into or possess wildlife in the State or receive exotic wildlife. The Commissioner of Inland Fisheries and Wildlife is required to adopt rules that specify the criteria for issuing such a permit. The bill allows the commissioner to adopt rules to require permitted exotic wildlife to carry or be embedded with a tracking device. The bill requires the holder of a permit for exotic wildlife to provide notice to the Department of Inland Fisheries and Wildlife, Bureau of Warden Service and all landowners within the range of travel of the wildlife in the event of an escape of the wildlife.

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Committee Amendment "A" (S-30)

This amendment changes the title and replaces the bill. The bill provides that a permit is required to import exotic wildlife or possess wildlife in the State or receive exotic wildlife and stipulates the requirements for that permit; the amendment instead provides that a person who allows wildlife in captivity to escape that person's possession or control in violation of rules governing keeping wildlife in captivity or an additional permit condition or requirement commits a Class E crime.

This amendment was not adopted.

Committee Amendment "B" (S-284)

This amendment changes the title and replaces the bill. The bill provides that a permit is required to import exotic wildlife or possess wildlife in the State or receive exotic wildlife and stipulates the requirements for that permit. The amendment provides that a person who allows wildlife in captivity to escape that person's possession or control in violation of rules governing keeping wildlife in captivity or an additional permit condition or requirement commits a Class E crime if the person does not immediately notify a law enforcement officer or if the person notifies a law enforcement officer but the wildlife is not permitted. If the wildlife is not permitted and escapes and the person does not immediately notify a law enforcement officer, the person commits a Class D crime.

For clarity, it is noted that this amendment was reported out after the bill was recommitted to the committee. Committee Amendment "A" was the majority report when the bill was first reported out; Committee Amendment "B" was the majority report when the bill was subsequently reported out after being recommitted to the committee.

Enacted Law Summary

Public Law 2017, chapter 285 provides that a person who allows wildlife in captivity to escape that person's possession or control in violation of rules governing keeping wildlife in captivity or an additional permit condition or requirement commits a Class E crime if the person does not immediately notify a law enforcement officer or if the person notifies a law enforcement officer but the wildlife is not permitted. If the wildlife is not permitted and escapes and the person does not immediately notify a law enforcement officer, the person commits a Class D crime.

LD 325 An Act To Amend the Process for Distributing Any-deer Permits ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY C KEIM L	ONTP	

This bill requires the Commissioner of Inland Fisheries and Wildlife, if antlerless deer permits are issued, to issue antlerless deer permits to applicants who are chosen through a public chance drawing. The commissioner is required to adopt rules by November 1, 2017 establishing a public chance drawing for antlerless deer permits, including provisions for awarding to applicants who are not selected for a permit points that increase the applicants' chances of being selected in a subsequent consecutive year.

The bill requires the commissioner to issue antlerless deer permits to veterans, who are not required to participate in the public chance drawing. The number of permits issued to veterans is determined by the commissioner annually based upon the deer population.

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LD 340 An Act To Provide 100 Percent Disabled Veterans Antlerless Deer Permits in the Zone of Their Choice ONTP

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

This bill allows a veteran who has a service-connected disability evaluated at 100% by the United States Department of Veterans Affairs or any branch of the United States Armed Forces who is issued an antlerless deer permit to choose a wildlife management district in which the person may take an antlerless deer as long as that district is open to the taking of antlerless deer.

LD 341 An Act To Promote Deer Hunting ONTP

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

This bill limits deer hunters to harvesting only deer with three or more tines of one inch or longer along the main beam of either or both antlers.

LD 342 An Act To Require the Use of Personal Flotation Devices in Canoes Accepted Majority (ONTP) Report

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

This bill requires the use of a Coast Guard approved Type I, Type II or Type III personal flotation device while canoeing.

Committee Amendment "A" (S-32)

This amendment, which is the minority report of the committee, requires that a person operating or being a passenger in a kayak wear a personal flotation device.

This amendment was not adopted.

LD 359 An Act To Protect Maine Lakes and Ponds from Invasive Species Accepted Majority (ONTP) Report

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

This bill requires that any passive watercraft placed or operated on the inland waters of the State have an invasive aquatic plant and nuisance species sticker affixed on its bow. This sticker may be purchased for a one-time fee of

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\$5, and the fee revenues from the sale of the sticker will be credited to the Invasive Aquatic Plant and Nuisance Species Fund established in the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 1863 and to the Lake and River Protection Fund established within the Department of Inland Fisheries and Wildlife under Title 12, section 10257. These two funds, among other things, support invasive aquatic plant and nuisance species prevention, containment, eradication and management activities in the State.

LD 424 An Act To Extend the Big Game Season in Coastal Wildlife Management Areas

**Accepted Majority
(ONTP) Report**

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

This bill authorizes the Commissioner of Inland Fisheries and Wildlife to allow hunting on Sunday and directs the commissioner to allow hunting on five Sundays for the respective hunting seasons for bear, moose, deer and wild turkey in coastal wildlife management areas on public land and private land of five acres or more with the landowner's permission.

LD 425 An Act To Extend Fall Fishing Opportunities

ONTP

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

This bill establishes a limited season for fishing from October 1st to October 31st, during which a holder of a fishing license may catch fish as long as the fish is immediately returned to the water in which it was caught.

LD 426 An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red

PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D THIBODEAU M	OTP-AM ONTP	H-130

This bill allows a hunter whose religion prohibits the wearing of hunter orange to instead wear red. It also directs the Department of Inland Fisheries and Wildlife to amend its rules to reflect this exemption.

Committee Amendment "A" (H-130)

This amendment provides that a person with a religious opposition to wearing hunter orange may substitute articles of bright red clothing, instead of articles of red clothing as the bill provides, for the required articles of hunter orange clothing.

Enacted Law Summary

Public Law 2017, chapter 82 provides that a person with a religious opposition to wearing hunter orange may substitute articles of bright red clothing for the articles of hunter orange clothing otherwise required by law.

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LD 427 An Act To Give Certain Landowners First Priority for Antlerless Deer Permits ONTP

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

This bill amends the current antlerless deer hunting permit system to require that all antlerless deer permits available in a wildlife management district be issued to landowners of record who own at least 50 contiguous acres of land open to hunting by the public and have applied for the permit. It also provides that if the number of available antlerless deer permits in a wildlife management district exceeds the number of eligible landowner applications, the remaining permits must be issued to junior hunters who have applied for an antlerless deer permit in that district. If the number of antlerless deer permits available in a wildlife management district exceeds the number of eligible landowner applications and junior hunter applications, the commissioner is directed to issue the remaining permits as provided in current law.

LD 471 Resolve, To Create the Commission To Study the Needs, Opportunities and Efficiencies Associated with the Production of Salmonid Sport Fish in Maine Accepted Report A (ONTP)

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

This resolve creates the Commission To Study the Needs, Opportunities and Efficiencies Associated with the Production of Salmonid Sport Fish in Maine. The commission is required to submit its report and any accompanying legislation to the Joint Standing Committee on Inland Fisheries and Wildlife by January 30, 2018. The Department of Inland Fisheries and Wildlife is prohibited from making any expenditure of over \$150,000 to repair or upgrade its salmonid fish hatcheries until the report is received and its recommendations acted upon.

Committee Amendment "B" (H-57)

This amendment is a minority report of the committee. It replaces the resolve and requires the Department of Inland Fisheries and Wildlife to convene a working group to study, assess and evaluate salmonid fish culture facilities in the State and the associated production and distribution capabilities, opportunities, needs and contributions to the economy of the State of cultured salmonid fish and propose changes to the fish production laws and rules. A report from the working group is due by December 6, 2017 to the Joint Standing Committee on Inland Fisheries and Wildlife.

This amendment was not adopted.

Committee Amendment "A" (H-56)

This amendment, which is a minority report of the committee, amends the resolve to conform to the Joint Rules of the Legislature with respect to appointments to and chairs of the Commission To Study the Needs, Opportunities and Efficiencies Associated with the Production of Salmonid Sport Fish in Maine. The amendment also removes the provision that prohibits the Department of Inland Fisheries and Wildlife from spending over \$150,000 on fish hatcheries until the report of the commission is completed.

This amendment was not adopted.

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LD 483 An Act To Improve Enforcement of Snowmobile Noise Levels

PUBLIC 71

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J DAVIS P	OTP-AM	H-48

This bill removes provisions of law regarding snowmobile noise levels to reflect current snowmobile manufacturing standards.

Committee Amendment "A" (H-48)

This amendment replaces the bill. The amendment provides that a person may not operate a snowmobile manufactured after February 1, 2007 unless the snowmobile has a visible and unaltered certification marking issued by an independent organization that certifies snowmobiles for uniformity of safety features and noise levels on the snowmobile's exhaust silencer. The amendment provides that a person may not operate a snowmobile manufactured after October 1, 1985 that emits total vehicle noise greater than 78 decibels.

Enacted Law Summary

Public Law 2017, chapter 71 provides that a person may not operate a snowmobile manufactured after February 1, 2007 unless the snowmobile has a visible and unaltered certification marking issued by an independent organization that certifies snowmobiles for uniformity of safety features and noise levels on the snowmobile's exhaust silencer. Public Law 2017, chapter 71 provides that a person may not operate a snowmobile manufactured after October 1, 1985 that emits total vehicle noise greater than 78 decibels.

LD 484 An Act To Allow Ice Fishing in Seboomook Lake Township on Baker Lake and on Third, Fourth and Fifth St. John Ponds

ONTP

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

This bill allows ice fishing on Baker Lake and Third, Fourth and Fifth St. John ponds in Somerset County.

LD 485 An Act To Allow Migratory Game Birds To Be Hunted on Sundays

Accepted Majority (ONTP) Report

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

This bill allows Sunday hunting for migratory game birds.

Committee Amendment "A" (H-145)

This amendment replaces the bill. The bill allows hunting of migratory game birds on Sundays. The amendment allows hunting of migratory game birds, except the American woodcock, on Sundays. The amendment prohibits hunting migratory game birds on Sundays from agricultural land except with the landowner's permission. The amendment prohibits hunting migratory game birds on Wednesdays and possession of a migratory game bird that

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was hunted on a Wednesday. The amendment provides that a person who hunts migratory game birds on a Wednesday or possesses a migratory game bird that was hunted on a Wednesday commits a Class E crime.

This amendment was not adopted.

LD 506 An Act To Allow Reciprocal Recognition of New Hampshire and Maine Snowmobile Registrations ONTP

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

This bill allows a person from November 15th to May 1st to operate in this State a snowmobile registered in the State of New Hampshire if the State of New Hampshire allows a person to operate in the State of New Hampshire a snowmobile registered in this State.

LD 509 An Act To Allocate at Least 10 Percent of Antlerless Deer Permits Available in Each Wildlife Management District to Hunters 70 Years of Age and Older Accepted Majority (ONTP) Report

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

This bill requires that at least 10% of antlerless deer permits issued in a wildlife management district be issued to eligible hunters who are 70 years of age and older.

Committee Amendment "A" (S-55)

This amendment, which is the minority report of the committee, decreases the percentage of antlerless deer permits issued in a wildlife management district to eligible hunters 70 years of age and older from 10%, as provided in the bill, to 5%.

This amendment was not adopted.

LD 547 An Act To Update Maine's Fishing Laws PUBLIC 150

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S DUCHESNE R	OTP-AM	S-167

This bill:

1. Prohibits a person from altering fish, including smelts, from their natural state until after a wet measure has been conducted;
2. Replaces the term "alewives" with the term "river herring" to be more consistent with Department of Inland Fisheries and Wildlife usage. The definition of river herring includes both alewives and blueback herring; and
3. Removes several species from the definition of baitfish that do not exist in the waters of the State, are not

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commonly used or sold in the State or are found in very localized areas and should not be used as bait due to the possibility of introduction into other areas with adverse effects.

Committee Amendment "A" (S-167)

This amendment clarifies that fish may not be altered from their natural state before being measured for compliance with a volume limit established by rule by the Commissioner of Inland Fisheries and Wildlife.

Enacted Law Summary

Public Law 2017, chapter 150:

1. Prohibits a person from altering fish, including smelts, from their natural state until after a wet measure has been conducted;
2. Replaces the term "alewives" with the term "river herring" to be more consistent with Department of Inland Fisheries and Wildlife usage. The definition of river herring includes both alewives and blueback herring; and
3. Removes several species from the definition of baitfish that do not exist in the waters of the State, are not commonly used or sold in the State or are found in very localized areas and should not be used as bait due to the possibility of introduction into other areas with adverse effects.

LD 552 An Act To Amend Maine's Fish and Wildlife Licensing Laws

PUBLIC 72

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

This bill makes the following changes to the fish and wildlife licensing laws.

1. It eliminates the \$50 examination fee for a taxidermy license.
2. It clarifies the length of the period of time during which a person who has obtained a moose hunting permit is ineligible to obtain another permit.
3. It authorizes the Commissioner of Inland Fisheries and Wildlife to issue a complimentary group fishing license to a person or entity that allows a group of persons with disabilities to fish in a location for a period of time as specified on the license.

Enacted Law Summary

Public Law 2017, chapter 72 makes the following changes to the fish and wildlife licensing laws.

1. It eliminates the \$50 examination fee for a taxidermy license.
2. It clarifies the length of the period of time during which a person who has obtained a moose hunting permit is ineligible to obtain another permit.
3. It authorizes the Commissioner of Inland Fisheries and Wildlife to issue a complimentary group fishing license to a person or entity that allows a group of persons with disabilities to fish in a location for a period of time as specified on the license.

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LD 553 An Act To Offer Hunters 65 Years of Age or Older Who Have Accumulated at Least 30 Points a Guaranteed Moose Permit

**PUBLIC 76
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
REED R	OTP-AM	H-68

This bill guarantees a moose permit to resident applicants who are 65 years of age or older and have accumulated 30 points or more in the public chance drawing for moose permits.

Committee Amendment "A" (H-68)

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

Enacted Law Summary

Public Law 2017, chapter 76 guarantees a moose permit to resident applicants who are 65 years of age or older and have accumulated 30 points or more in the public chance drawing for moose permits.

Public Law 2017, chapter 76 was enacted as an emergency measure effective May 21, 2017.

LD 555 An Act To Allow Owners of 25 Acres or More of Land That Is Open to the Public for Hunting To Take Any Deer without a Special Permit

ONTP

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

This bill allows a landowner of 25 acres or more who possesses a valid deer hunting license to take an antlerless deer on the landowner's property under that license during hunting season if the property is open to the public for hunting and not located in a wildlife management district that does not have antlerless deer permits issued.

LD 557 An Act To Revoke the Hunting and Fishing Licenses of a Person Charged with Defacing Property Posting Signs

PUBLIC 50

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G SAVIELLO T	OTP-AM	H-55

This bill prohibits destroying, tearing down, defacing or otherwise damaging property posting signs by hunters and provides for the one-year suspension of the hunting license of a person who is convicted of doing so.

Committee Amendment "A" (H-55)

The bill prohibits destroying, tearing down, defacing or otherwise damaging property posting signs by hunters and provides for the one-year suspension of the hunting license of a person who is convicted of doing so. This amendment provides for a one-year suspension of the person's fishing license as well.

Enacted Law Summary

Public Law 2017, chapter 50 prohibits destroying, tearing down, defacing or otherwise damaging property posting signs by hunters and provides for the one-year suspension of the hunting and fishing licenses of a person who is

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convicted of doing so.

LD 558 An Act To Improve Moose Hunting

**PUBLIC 96
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G SAVIELLO T	OTP-AM	H-91

This bill specifies that hunters under eight years of age may not hunt moose but may purchase applications for moose hunting permits in order to accrue points in the public chance drawing for moose permits.

Committee Amendment "A" (H-91)

This amendment provides that hunters under 10 years of age on the opening day of the open moose season are eligible to apply for a moose hunting permit and may accrue points in the public chance drawing for moose permits but are not eligible to receive a moose hunting permit. The amendment prohibits a person under 10 years of age on the opening day of the open moose season from being a subpermittee-designate or alternate subpermittee-designate.

Enacted Law Summary

Public Law 2017, chapter 96 provides that hunters under 10 years of age on the opening day of the open moose season are eligible to apply for a moose hunting permit and may accrue points in the public chance drawing for moose permits but are not eligible to receive a moose hunting permit. Public Law 2017, chapter 96 prohibits a person under 10 years of age on the opening day of the open moose season from being a subpermittee-designate or alternate subpermittee-designate.

Public Law 2017, chapter 96 was enacted as an emergency measure effective May 28, 2017.

LD 587 An Act To Allow Fees To Be Charged for Wild Game Dinners

**Accepted Majority
(ONTP) Report**

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

This bill allows a person who has lawfully killed a wild animal to sell the meat of the animal at a wild game dinner or to the organizer of a wild game dinner. The bill defines "wild game dinner" as a single event where meat from a lawfully taken animal is cooked and sold to persons at the event for immediate consumption.

Committee Amendment "A" (S-84)

This amendment, which is the minority report of the committee, removes the provisions of the bill that allow a person to sell the meat of a lawfully killed wild animal at a wild game dinner or to the organizer of a wild game dinner, instead providing that a civic or charitable organization may serve at a wild game dinner meat from lawfully killed wild game that was donated to that organization.

This amendment was not adopted.

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**LD 630 An Act To Expand Opportunities for Moose Permit Winners To Swap
Their Permits**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D CYRWAY S		

This bill repeals the prohibition on the exchange for consideration of a moose permit in a designated hunting area, zone or season for another moose permit in a different designated hunting area, zone or season. The bill requires the Department of Inland Fisheries and Wildlife to establish an online transfer system for moose permits through which transfers of designated hunting areas, zones or seasons may be accomplished.

Committee Amendment "B" (H-313)

This amendment, the minority report of the committee, replaces the bill. Like the bill, the amendment repeals the prohibition on transferring a moose permit for consideration, but, unlike the bill, the amendment does not direct the Department of Inland Fisheries and Wildlife to establish an online transfer system for permits. This amendment clarifies that the Department of Inland Fisheries and Wildlife may assist in the transfer of a permit to hunt in any assigned hunting area, zone or season between persons holding permits but that the State bears no responsibility for enforcing the terms of the exchange between the permit holders.

This amendment was not adopted.

Committee Amendment "A" (H-312)

This amendment, the majority report of the committee, replaces the bill. The bill repeals the prohibition on transferring a moose permit for consideration and directs the Department of Inland Fisheries and Wildlife to establish an online transfer system for permits. The amendment removes the provision of the bill that directs the department to establish an online transfer system for permits, but, like the bill, the amendment repeals the prohibition on transferring moose permits for consideration. This amendment prohibits persons other than the holders of moose permits who are exchanging hunting zones, areas or seasons to facilitate the exchange for any consideration. The amendment establishes that a person who facilitates an exchange of moose permits commits a Class E crime. The amendment clarifies that the State bears no responsibility for enforcing the terms of an exchange between the permit holders.

This amendment was not adopted.

This bill was reported out of committee then recommitted to the committee; it was then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 631 An Act To Require an Operator of an All-terrain Vehicle Driven on
Certain Roads To Have a Driver's License and Liability Insurance**

**Accepted Majority
(ONTP) Report**

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

This bill requires an operator of an all-terrain vehicle who travels more than 500 yards on a public way designated as an ATV-access route to possess a valid driver's license and motor vehicle liability insurance for the ATV.

Committee Amendment "A" (H-120)

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This amendment is the minority report of the committee. The amendment clarifies provisions of law to reflect that a driver's license is required to operate an all-terrain vehicle or off-road vehicle on a way designated as an ATV-access route as provided in the bill.

This amendment was not adopted.

LD 632 *Resolve, To Recognize and Provide for the Right of Members of the Houlton Band of Maliseet Indians To Hunt Moose throughout Aroostook County* **Accepted Majority (ONTP) Report**

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

This resolve directs the Commissioner of Inland Fisheries and Wildlife to allocate 25 moose permits for the 2017 hunting season that may be used throughout Aroostook County to the Houlton Band of Maliseet Indians to be issued by the Houlton Band of Maliseet Indians Tribal Council to members of the tribe who have received tribal moose permits.

Committee Amendment "A" (H-310)

This amendment, which is the minority report of the committee, removes the preamble in the resolve, changes the title and provides that the 25 moose permits allocated to the Houlton Band of Maliseet Indians may be used only in areas of Aroostook County open to moose hunting under rules adopted by the Commissioner of Inland Fisheries and Wildlife.

This amendment was not adopted.

LD 693 *An Act To Clarify the Laws Governing Hunting from a Vehicle* **PUBLIC 176**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J DAVIS P	OTP-AM ONTP	H-349

This bill explicitly restricts the application of the law prohibiting shooting from motor vehicles and motorboats to shooting while hunting.

Committee Amendment "A" (H-349)

This amendment replaces the bill. The amendment prohibits a person, while hunting, from shooting a firearm or crossbow while in or on a motor vehicle other than an ATV or snowmobile and possessing a loaded firearm or a crossbow in a motor vehicle other than an ATV or snowmobile or while in or on a trailer or another vehicle being hauled by a motor vehicle, except that a person may rest a loaded firearm or crossbow that is under the person's control on a motor vehicle other than an ATV or snowmobile as long as the motor vehicle is not moving and its engine is off. The amendment prohibits a person from shooting while in an enclosed area or passenger compartment of an ATV or snowmobile, but allows a person to shoot a firearm or crossbow from or rest a loaded firearm or crossbow on the ATV or snowmobile when the ATV or snowmobile is not in motion and its engine is off. The amendment also provides that a person who is target shooting and not within an enclosed area or passenger compartment of a motor vehicle, trailer or other vehicle being hauled by a motor vehicle may shoot a firearm or crossbow when the motor vehicle, trailer or other type of vehicle is not in motion and the engine is not running.

Enacted Law Summary

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Public Law 2017, chapter 176 prohibits a person, while hunting, from shooting a firearm or crossbow while in or on a motor vehicle other than an ATV or snowmobile and possessing a loaded firearm or a crossbow in a motor vehicle other than an ATV or snowmobile or while in or on a trailer or another vehicle being hauled by a motor vehicle, except that a person may rest a loaded firearm or crossbow that is under the person's control on a motor vehicle other than an ATV or snowmobile as long as the motor vehicle is not moving and its engine is off. Public Law 2017, chapter 176 prohibits a person from shooting while in an enclosed area or passenger compartment of an ATV or snowmobile, but allows a person to shoot a firearm or crossbow from or rest a loaded firearm or crossbow on the ATV or snowmobile when the ATV or snowmobile is not in motion and its engine is off. Public Law 2017, chapter 176 also provides that a person who is target shooting and not within an enclosed area or passenger compartment of a motor vehicle, trailer or other vehicle being hauled by a motor vehicle may shoot a firearm or crossbow when the motor vehicle, trailer or other type of vehicle is not in motion and the engine is not running.

LD 694 An Act To Create a Local Option for a Sunday Exception Allowing Deer Hunting with Rifles **Accepted Majority (ONTP) Report**

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

This bill allows a person who possesses a valid hunting license to possess hunting equipment and to hunt deer during the regular deer hunting season described under the Maine Revised Statutes, Title 12, section 11401, subsection 1, paragraph A, when hunters hunt with rifles, on Sunday on property that is located in a municipality, a plantation or the unorganized territory of a county that has successfully petitioned the Commissioner of Inland Fisheries and Wildlife to allow hunting on Sunday as long as the person has obtained and is carrying the property owner's written consent to hunt with a map of the property. The bill allows a municipality, plantation or county with regard to its unorganized territory to petition the Commissioner of Inland Fisheries and Wildlife to allow hunting on Sunday in its territory. The bill also repeals these provisions on December 1, 2021.

Committee Amendment "A" (H-311)

The bill allows, with certain restrictions, any person to hunt on Sunday. This amendment, which is the minority report of the committee, replaces the bill and directs the Commissioner of Inland Fisheries and Wildlife to establish annual youth bear, deer, wild turkey and migratory waterfowl hunting weekends. A person who holds a valid junior hunting license may hunt on Sunday with the written permission of the landowner. The person must have in the person's possession the written permission of the landowner.

This amendment was not adopted.

LD 695 An Act To Double the Number of Moose Permits Available for Auction by Conservation Organizations **Accepted Majority (ONTP) Report**

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

This bill doubles the number of moose permits for auction by conservation organizations from 10 permits to 20 permits and directs the Commissioner of Inland Fisheries and Wildlife to disburse at least 50% of the revenue from the auction to conservation organizations for the purpose of operating youth day camps.

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LD 728 An Act Regarding Management and Stocking of Inland Fisheries ONTP

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

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

This bill proposes to combine all fisheries managers under one roof and provide for a five-year sunset provision on all fisheries management rules and on all stocking plans.

LD 729 An Act To Make Maine's Public Boat Launching Ramps Accessible by ONTP
Persons with Physical Disabilities

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

This bill requires that newly built, repaired or refurbished public boat launching ramps be accessible to and usable by persons with physical disabilities in conformance with the federal Americans with Disabilities Act of 1990, as amended.

LD 732 An Act To Protect Young Bucks in Northern, Eastern and Western ONTP
Maine

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

This bill prohibits taking deer that do not have at least three tines of one inch or more along the main beam of one antler in Oxford, Franklin, Somerset, Piscataquis, Penobscot, Hancock, Aroostook and Washington counties except as provided by rules adopted by the Commissioner of Inland Fisheries and Wildlife that establish antlerless deer permits or special season deer permits.

LD 767 An Act To Prohibit Feeding or Baiting Deer During Certain Parts of the PUBLIC 225
Year

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL L	OTP-AM	H-308

This bill prohibits the feeding of deer from August 15th to December 15th.

Committee Amendment "A" (H-308)

This amendment, which is the majority report of the committee, replaces the bill. The amendment expands the prohibition on baiting deer during an open hunting season on deer to also prohibit feeding deer by placing salt or any other bait or food in a place to entice deer to that place from June 1st to the start of an open hunting season on deer and from the close of all open hunting seasons on deer to December 15th if all open hunting seasons on deer are closed before December 15th.

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Enacted Law Summary

Public Law 2017, chapter 225 expands the prohibition on baiting deer during an open hunting season on deer to also prohibit feeding deer by placing salt or any other bait or food in a place to entice deer to that place from June 1st to the start of an open hunting season on deer and from the close of all open hunting seasons on deer to December 15th if all open hunting seasons on deer are closed before December 15th.

**LD 768 An Act To Establish 2 Comprehensive Licenses for Hunting and for
Hunting and Fishing**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G MIRAMANT D		

This bill establishes resident and nonresident comprehensive hunting licenses that allow hunting of all legal species subject to the moose, pheasant, migratory waterfowl, special season deer and antlerless deer permit requirements. The fee for the resident comprehensive hunting license is \$38 and the fee for the nonresident comprehensive hunting license is \$143.

The bill also establishes resident and nonresident comprehensive combination hunting and fishing licenses that allow fishing and hunting of all legal species, subject to the moose, pheasant, migratory waterfowl, special season deer and antlerless deer permit requirements. The fee for the resident comprehensive combination hunting and fishing license is \$55 and the fee for the nonresident comprehensive combination hunting and fishing license is \$178. The bill establishes January 1, 2018 as the effective date of these licenses.

This bill eliminates all alien licenses and permits and allows persons who are not citizens to purchase nonresident licenses and permits if they are not considered residents.

This bill allows the Commissioner of Inland Fisheries and Wildlife or a clerk or other agent appointed by the commissioner who issues licenses to inquire of a license applicant which species the applicant intends to hunt under the license and limit the license to the species specified. A license with this limitation must clearly indicate the limitation.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 843 An Act To Adjust the Formula for Calculating the Allocation of Moose
Permits for Hunting Lodges**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	OTP-AM ONTP	H-217

This bill amends the law regarding the number of moose permits made available through a chance drawing to hunting outfitters, which is currently calculated as 10% of the number of permits made available in the public chance drawing above 3,140. The bill sets the number of moose permits made available to hunting outfitters at 10% of the number of permits in excess of the average number of permits made available in the public chance drawing per year since 1982 or 100, whichever is greater.

Committee Amendment "A" (H-217)

This amendment replaces the bill. The amendment reduces the number of moose hunting permits that may be issued to nonresidents from 10% to 8% and allows up to 2% of moose hunting permits to be issued to hunting

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outfitters instead of basing the number of permits issued to hunting outfitters upon the number of permits available over 3,140, which is the current law.

This bill was carried over was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 844 An Act To Make Excessive Boat Noise a Public Nuisance ONTP

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

This bill makes excessive watercraft noise a public nuisance that may be enforced by a private right of action or by a law enforcement officer.

LD 868 An Act Regarding Game That Is Confiscated in Connection with an Alleged Violation of Inland Fisheries and Wildlife Laws Accepted Majority (ONTP) Report

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

This bill requires the court to order the Department of Inland Fisheries and Wildlife to issue a permit to take a deer or moose to a person found not to have violated the inland fisheries and wildlife laws when a deer or moose taken by the person and seized by the department had been disposed of before that finding was made.

LD 869 An Act To Amend the Laws Governing Tagging of Harvested Animals PUBLIC 226

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITE D SAVIELLO T	OTP-AM	H-309

This bill allows a person who has legally harvested an animal to keep the unregistered animal until a registration station within a reasonable distance of the person is open if no registration stations within a reasonable distance of the person are open due to a holiday or other legitimate reason.

Committee Amendment "A" (H-309)

This amendment allows a person to keep an unregistered animal harvested by that person for longer than otherwise allowed if the person notifies a game warden within 18 hours as to the location of that animal and the circumstances preventing the person from registering the animal. The bill allows a similar exception but only in circumstances when a registration station within a reasonable distance of the person is not open due to a holiday or other legitimate reason.

Enacted Law Summary

Public Law 2017, chapter 226 allows a person to keep an unregistered animal harvested by that person for longer than otherwise allowed if the person notifies a game warden within 18 hours as to the location of that animal and the circumstances preventing the person from registering the animal and no registration station within a reasonable distance of the person is open due to a holiday or other legitimate reason.

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LD 933 An Act To Prohibit Personal Watercraft on Third Pond in Blue Hill ONTP

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

This bill prohibits the use of personal watercraft such as jet skis on Third Pond in the Town of Blue Hill in Hancock County.

LD 1002 An Act To Add .17 Caliber Hornady Magnum Rimfire Rifle Cartridges to the Cartridges Acceptable for Deer Hunting ONTP

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

This bill excepts the .17 caliber Hornady magnum rimfire rifle cartridge, commonly known as the .17 HMR, from the prohibition on .17 caliber rimfire cartridges for deer hunting.

LD 1018 An Act To Prohibit Stocking Fish in or Using Live Fish as Bait on Tributaries to State Heritage Fish Waters ONTP

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

This bill prohibits the Commissioner of Inland Fisheries and Wildlife from stocking fish in tributaries of state heritage fish waters and prohibits a person from using live fish as bait on such a tributary.

LD 1019 An Act To Establish a 6-day Nonresident Archery License PUBLIC 125

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R SAVIELLO T	OTP-AM	H-218

This bill exempts from the archery hunting license requirements a person over 16 years of age who hunts for bear under a valid bear hunting permit.

Committee Amendment "A" (H-218)

This amendment replaces the bill and changes the title. The bill exempts a person over 16 years of age from the archery hunting license requirements when the person is hunting for bear under a valid bear hunting permit. The amendment establishes a six-day nonresident archery license that costs \$26.

Enacted Law Summary

Public Law 2017, chapter 125 exempts a person over 16 years of age from the archery hunting license requirements when the person is hunting for bear under a valid bear hunting permit. Public Law 2017, chapter 125 establishes a six-day nonresident archery license that costs \$26.

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LD 1083 An Act To Increase the Penalties for Hunting Deer over Bait

PUBLIC 202

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MAKER J	OTP-AM ONTP	H-148 H-411 TUELL W

This bill makes the penalty for hunting over bait during an open season on deer a mandatory fine of \$500. It also provides for the one-year suspension of a hunting license of a person convicted of doing so.

Committee Amendment "A" (H-148)

This amendment provides, like the bill, that the hunting license of a person who is convicted of hunting over bait during an open season on deer must be revoked for one year. The amendment adds a provision for a two-year revocation for a second offense. The amendment removes the provision of the bill that imposes a mandatory fine of \$500.

House Amendment "A" To Committee Amendment "A" (H-411)

This amendment amends Committee Amendment "A" to make a person convicted a 2nd time of placing or hunting over bait when hunting deer permanently ineligible to obtain a hunting license.

Enacted Law Summary

Public Law 2017, chapter 202 provides that the hunting license of a person who is convicted of hunting over bait during an open season on deer must be revoked for one year and a person convicted a second time is permanently ineligible to obtain a hunting license.

LD 1137 An Act To Lower the Age at Which a Person May Hunt with a Crossbow during Any Open Season

PUBLIC 239

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K COLLINS R	OTP-AM OTP-AM ONTP	H-351

This bill expands crossbow hunting for deer into the regular archery-only season on deer. It removes the requirement that a person must have a valid hunting or archery hunting license or an apprenticeship hunter license or archery hunting license in order to hunt with a crossbow. It also lowers from 70 years of age to 65 years of age the age at which a person may hunt a wild bird or wild animal with a crossbow during any open season on that wild bird or wild animal, hunt in an expanded archery zone and hunt during muzzle-loading-only deer hunting season.

Committee Amendment "A" (H-351)

This amendment removes the provisions of the bill that expand crossbow hunting for deer into the regular archery-only season on deer and that remove the requirement that a person must have a valid hunting or archery hunting license or an apprenticeship hunter license or archery hunting license in order to hunt with a crossbow. The amendment retains the provision of the bill that lowers from 70 years of age to 65 years of age the age at which a person may hunt a wild bird or wild animal with a crossbow during any open season on that wild bird or wild animal, hunt in an expanded archery zone and hunt during muzzle-loading-only deer hunting season.

Committee Amendment "B" (H-352)

This amendment incorporates a fiscal note.

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by imprisonment for a term of one year. The bill allows a person to request a hearing to appeal the revocation, suspension or denial. The bill requires an applicant for or the holder of a guide license to notify the Department of Inland Fisheries and Wildlife of a conviction or a finding of not criminally responsible that is grounds for the revocation, suspension or denial of a guide license.

Committee Amendment "A" (S-206)

This amendment adds to the bill a process by which a background check is performed on an applicant for a guide license. The amendment adds a requirement that an applicant for or the holder of a guide license must notify the Department of Inland Fisheries and Wildlife of a conviction or a finding of not criminally responsible that would disqualify the person from holding a guide license within 30 days of the conviction or finding.

Enacted Law Summary

Public Law 2017, chapter 204 authorizes the Commissioner of Inland Fisheries and Wildlife to revoke, suspend, refuse to issue or refuse to renew a guide license if the license holder has been convicted of committing a crime punishable by imprisonment for one year or more or is found not criminally responsible by reason of insanity of committing a crime punishable by imprisonment for a term of one year. Public Law 2017, chapter 204 establishes a process by which a background check is performed on an applicant for a guide license. Public Law 2017, chapter 204 allows a person to request a hearing to appeal the revocation, suspension or denial. Public Law 2017, chapter 204 requires an applicant for or the holder of a guide license to notify the Department of Inland Fisheries and Wildlife of a conviction or a finding of not criminally responsible that is grounds for the revocation, suspension or denial of a guide license within 30 days of the conviction or finding.

LD 1497 An Act To Correct and Clarify Maine's Fish and Wildlife Laws

PUBLIC 164

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOOD S	OTP-AM	H-322

This bill replaces the Hooked on Fishing Not on Drugs program with youth and family outdoor recreational programs and activities to encourage hunting and fishing activities as well as shooting sports. It amends language regarding certain licenses to provide that certain permits are included in the licenses. It allows the spouse and children of a member of the Armed Forces of the United States on active duty who is permanently stationed outside of the State to purchase trapping licenses at a reduced rate. It simplifies language regarding a person 70 years of age or older hunting with a crossbow. It repeals a provision allowing a person under 16 years of age holding a valid junior hunting license to obtain a muzzle-loading permit from the Commissioner of Inland Fisheries and Wildlife. It adds a wild turkey hunting permit to the nonresident small game apprenticeship hunter license. It repeals law establishing a youth bear hunting day. It changes the law regarding unlawful possession of wild turkeys to reflect the increase of the bag limit from one to two. It prohibits placing bait for wild turkeys and hunting over that bait for 30 days prior to the spring wild turkey hunting season. It adds firearms using a caliber cartridge smaller than the .22 caliber cartridge to the exceptions from the law prohibiting hunting with any automatic firearm. It amends the provision of a residents-only day in the law regarding open and closed seasons for deer to account for an exception for certain nonresident landowners. It repeals a provision making nonresident aliens ineligible to purchase a trapping license, as they are eligible to purchase a license to trap beaver when their state or province of residency allows residents of the State to trap beaver in that state or province and removes language requiring clerks or agents appointed by the Commissioner of Inland Fisheries and Wildlife to charge \$2 for each trapping license issued. It raises the fee for a resident and nonresident apprentice trapper license by \$1, consistent with changes to fees in Public Law 2015, chapter 245. It makes it a Class E crime for a licensee to receive, possess for resale, sell or offer to sell gift baitfish or gift smelts. It amends the law describing how the Open Water and Ice Fishing Regulations are distributed. It updates the name of an endangered species of bird. It changes the expiration date of a taxidermy license so that licenses expire three years from their date of issuance. It corrects a cross-reference. It allows ATVs, including two-wheel off-road motorcycles, without headlights or taillights to be operated between sunrise and

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sunset.

Committee Amendment "A" (H-322)

This amendment repeals provisions of law that allow hunting with firearms using the .22 caliber rimfire cartridge or any autoloading pistol having a barrel less than eight inches in length when the firearm is an automatic firearm or the cartridges contain tracer bullets or explosive bullets. The amendment removes provisions of the bill affecting turkey bag limits and time limits on certain turkey hunting methods. The amendment allows a landowner to remove an ice shack placed on the landowner's property without permission immediately, rather than requiring the landowner to wait 15 days for the ice shack to be considered abandoned, which current law requires. The amendment provides that any person, rather than residents only, may register a snowmobile that is more than 25 years old as an antique snowmobile.

Enacted Law Summary

Public Law 2017, chapter 164 replaces the Hooked on Fishing Not on Drugs program with youth and family outdoor recreational programs and activities to encourage hunting and fishing activities as well as shooting sports. It amends language regarding certain licenses to provide that certain permits are included in the licenses. It allows the spouse and children of a member of the Armed Forces of the United States on active duty who is permanently stationed outside of the State to purchase trapping licenses at a reduced rate. It simplifies language regarding a person 70 years of age or older hunting with a crossbow. It repeals a provision allowing a person under 16 years of age holding a valid junior hunting license to obtain a muzzle-loading permit from the Commissioner of Inland Fisheries and Wildlife. It adds a wild turkey hunting permit to the nonresident small game apprenticeship hunter license. It repeals law establishing a youth bear hunting day. It adds firearms using a caliber cartridge smaller than the .22 caliber cartridge to the exceptions from the law prohibiting hunting with any automatic firearm and repeals provisions of law that allow hunting with firearms using the .22 caliber rimfire cartridge or any autoloading pistol having a barrel less than eight inches in length when the firearm is an automatic firearm or the cartridges contain tracer bullets or explosive bullets. It amends the provision of a residents-only day in the law regarding open and closed seasons for deer to account for an exception for certain nonresident landowners. It repeals a provision making nonresident aliens ineligible to purchase a trapping license, as they are eligible to purchase a license to trap beaver when their state or province of residency allows residents of the State to trap beaver in that state or province and removes language requiring clerks or agents appointed by the Commissioner of Inland Fisheries and Wildlife to charge \$2 for each trapping license issued. It raises the fee for a resident and nonresident apprentice trapper license by \$1, consistent with changes to fees in Public Law 2015, chapter 245. It makes it a Class E crime for a licensee to receive, possess for resale, sell or offer to sell gift baitfish or gift smelts. It amends the law describing how the Open Water and Ice Fishing Regulations are distributed. It updates the name of an endangered species of bird. It changes the expiration date of a taxidermy license so that licenses expire three years from their date of issuance. It corrects a cross-reference. It allows ATVs, including two-wheel off-road motorcycles, without headlights or taillights to be operated between sunrise and sunset. It provides that any person, rather than residents only, may register a snowmobile that is more than 25 years old as an antique snowmobile. It allows a landowner to remove an ice shack placed on the landowner's property without permission immediately, rather than requiring the landowner to wait 15 days for the ice shack to be considered abandoned.

LD 1580 An Act To Clarify and Enhance Maine's Wildlife Laws

PUBLIC 205

Sponsor(s)

WOOD S

Committee Report

OTP-AM

Amendments Adopted

H-425

This bill:

1. Moves the planning functions of the Department of Inland Fisheries and Wildlife from the Division of Planning, which no longer exists, to the Bureau of Resource Management;

Joint Standing Committee on Inland Fisheries and Wildlife

2. Allows a person to capture and possess reptiles, amphibians and invertebrates native to this State and not listed by the department as threatened, endangered or of special concern without a permit, within certain possession limits;
3. Clarifies the purpose for each type of captive wildlife permit issued by the department and the issuance of three-day hold game bird propagation permits and one-year game bird propagation permits and establishes fees for those permits;
4. Clarifies that the provision of law regarding release of wildlife into the wild applies to birds, mammals, reptiles, amphibians and invertebrates;
5. Eliminates the requirement to band imported pheasants; and
6. Gives the Commissioner of Inland Fisheries and Wildlife the authority to open a town or a designated geographical area to the taking of antlerless deer within a wildlife management district that does not allow the taking of antlerless deer.

Committee Amendment "A" (H-425)

This amendment provides that the Commissioner of Inland Fisheries and Wildlife may adopt rules that classify wildlife into categories for the purpose of determining necessary permits and applicable fees for permits to keep wildlife in captivity. The amendment establishes new permits and fees for wildlife in captivity depending upon the type of wildlife kept and the purposes for which it is kept. The amendment repeals the requirement that a person hold an importation permit for pheasants. This amendment establishes fees for commercial amphibian permits and commercial nonmarine invertebrate permits of \$27 each and provides that those permits expire one year from the date of issuance.

Enacted Law Summary

Public Law 2017, chapter 205:

1. Moves the planning functions of the Department of Inland Fisheries and Wildlife from the Division of Planning, which no longer exists, to the Bureau of Resource Management;
2. Gives the Commissioner of Inland Fisheries and Wildlife the authority to open a designated geographical area to the taking of antlerless deer within a wildlife management district that does not allow the taking of antlerless deer;
3. Provides that the commissioner may adopt rules that classify wildlife into categories for the purpose of determining necessary permits and applicable fees for permits to keep wildlife in captivity;
4. Establishes new permits and fees for wildlife in captivity depending upon the type of wildlife kept and the purposes for which it is kept;
5. Repeals the requirement that a person hold an importation permit for pheasants; and
6. Establishes fees for commercial amphibian permits and commercial nonmarine invertebrate permits of \$27 each and provides that those permits expire one year from the date of issuance.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1582 An Act To Clarify and Enhance Maine's Fish and Wildlife Enforcement Laws

ONTP

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

This bill makes several changes to the State's fish and wildlife enforcement laws. The bill:

1. Makes it legal for a person to use wireless, digital imaging technology as a means to comply with a trap tending requirement;
2. Makes it clear that hunting with thermal imaging equipment is illegal;
3. Creates a \$20 penalty for each quart over the two-quart limit on smelts;
4. Amends terminology in the law governing apprentice hunter license restrictions;
5. Makes it illegal to fraudulently obtain registrations in addition to licenses and permits that are provided by the department;
6. Makes failing to stop for a law enforcement officer while operating a snowmobile or watercraft a Class D crime consistent with the provision applying to all-terrain vehicles;
7. Makes the airbow a legal hunting implement when used within certain parameters. It defines "airbow," "crossbow" and "hand-held bow";
8. Specifies that, in addition to a firearm, a person convicted of a domestic violence offense may not own, possess or have under that person's control a crossbow or muzzleloader or archery equipment;
9. Requires all edible meat from bear, deer or moose to be presented for registration along with evidence of gender. It allows these animals to be dismembered for ease of transportation;
10. Strengthens language within the prohibition of abuse of another person's property by removing reference to certain stated activities such as hunting, fishing or trapping to allow the Department of Inland Fisheries and Wildlife to enforce the law against persons who abuse another person's property but who may not be involved in an activity such as hunting, fishing or trapping;
11. Sets August 1st as the beginning date for bear baiting season; and
12. It replaces the requirement that a boat operator have a license from the department to carry passengers for hire with a requirement that the operator successfully complete a boating safety course provided by a national association of boating law administrators approved by the commissioner.

LD 1626 Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Assume Ownership of the Forest City Project

RESOLVE 23

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B JACKSON T	OTP-AM OTP-AM	H-524

Joint Standing Committee on Inland Fisheries and Wildlife

This resolve authorizes the Department of Administrative and Financial Services, Bureau of General Services to assume ownership of the dam and water storage project known as the Forest City Project and requires the Department of Inland Fisheries and Wildlife to oversee the management of the Forest City Project.

Committee Amendment "A" (H-524)

This amendment, the majority report of the committee, provides that the Department of Inland Fisheries and Wildlife, rather than the Department of Administrative and Financial Services as provided in the resolve, may assume ownership of the dam and water storage project known as the Forest City Project, together with associated flowage rights, from Woodland Pulp LLC if certain contingencies are met. The contingencies that must be satisfied before the department is authorized to assume ownership of the Forest City Project are that the Federal Energy Regulatory Commission must determine that, once ownership is transferred, the State will not be subject to a licensing requirement by that commission and that the State must enter into an agreement with Woodland Pulp LLC that provides that Woodland Pulp LLC and its successors will maintain and operate the Forest City Project, at the direction of the State and with certain limited exceptions, for a period of 15 years from the date of the transfer at no cost to the State. The amendment also removes the emergency preamble and emergency clause.

Committee Amendment "B" (H-525)

This amendment, the minority report of the committee, provides that the Department of Inland Fisheries and Wildlife, rather than the Department of Administrative and Financial Services as provided in the resolve, may assume ownership of the dam and water storage project known as the Forest City Project, together with associated flowage rights, from Woodland Pulp LLC if certain contingencies are met. The contingencies that must be satisfied before the department is authorized to assume ownership of the Forest City Project are that the Federal Energy Regulatory Commission must determine that, once ownership is transferred, the State will not be subject to a licensing requirement by that commission and that the State must enter into an agreement with Woodland Pulp LLC that provides that Woodland Pulp LLC and its successors will maintain and operate the Forest City Project, at the direction of the State and with certain limited exceptions, for a period of 30 years from the date of the transfer at no cost to the State. The amendment also removes the emergency preamble and emergency clause.

This amendment was not adopted.

Enacted Law Summary

Resolve 2017, chapter 23, provides that the Department of Inland Fisheries and Wildlife may assume ownership of the dam and water storage project known as the Forest City Project, together with associated flowage rights, from Woodland Pulp LLC if certain contingencies are met. The contingencies that must be satisfied before the department is authorized to assume ownership of the Forest City Project are that the Federal Energy Regulatory Commission must determine that, once ownership is transferred, the State will not be subject to a licensing requirement by that commission and that the State must enter into an agreement with Woodland Pulp LLC that provides that Woodland Pulp LLC and its successors will maintain and operate the Forest City Project, at the direction of the State and with certain limited exceptions, for a period of 15 years from the date of the transfer at no cost to the State.

Joint Standing Committee on Inland Fisheries and Wildlife

SUBJECT INDEX

All-terrain Vehicles, Snowmobiles and Watercraft

Enacted

LD 191	An Act To Allow Open Snowmobile and All-terrain Vehicle Weekends and Events	PUBLIC 97
LD 483	An Act To Improve Enforcement of Snowmobile Noise Levels	PUBLIC 71

Not Enacted

LD 41	An Act To Exempt a Person under 18 Years of Age from the Requirement To Wear a Helmet While on an All-terrain Vehicle in Certain Circumstances	Majority (ONTP) Report
LD 277	An Act Regarding the Use of Helmets by Minors Riding in an All-terrain Vehicle with an Adult	ONTP
LD 506	An Act To Allow Reciprocal Recognition of New Hampshire and Maine Snowmobile Registrations	ONTP
LD 631	An Act To Require an Operator of an All-terrain Vehicle Driven on Certain Roads To Have a Driver's License and Liability Insurance	Majority (ONTP) Report

Crossbow

Enacted

LD 1137	An Act To Lower the Age at Which a Person May Hunt with a Crossbow during Any Open Season	PUBLIC 239
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Deer

Enacted

LD 767	An Act To Prohibit Feeding or Baiting Deer During Certain Parts of the Year	PUBLIC 225
LD 1083	An Act To Increase the Penalties for Hunting Deer over Bait	PUBLIC 202

Not Enacted

LD 60	An Act To Allow Senior Hunters To Shoot Antlerless Deer	ONTP
LD 62	An Act To Remove the Prohibition on Baiting Deer	Majority (ONTP) Report
LD 110	An Act To Assist Island and Coastal Communities with Controlling Excess Deer Populations	ONTP

LD 279	An Act To Give Veterans Priority in the Issuance of Antlerless Deer Permits	ONTP
LD 325	An Act To Amend the Process for Distributing Any-deer Permits	ONTP
LD 340	An Act To Provide 100 Percent Disabled Veterans Antlerless Deer Permits in the Zone of Their Choice	ONTP
LD 341	An Act To Promote Deer Hunting	ONTP
LD 427	An Act To Give Certain Landowners First Priority for Antlerless Deer Permits	ONTP
LD 509	An Act To Allocate at Least 10 Percent of Antlerless Deer Permits Available in Each Wildlife Management District to Hunters 70 Years of Age and Older	Majority (ONTP) Report
LD 555	An Act To Allow Owners of 25 Acres or More of Land That Is Open to the Public for Hunting To Take Any Deer without a Special Permit	ONTP
LD 732	An Act To Protect Young Bucks in Northern, Eastern and Western Maine	ONTP
LD 1020	An Act To Minimize Crop Damage by Deer by Amending Certain Laws Governing Hunting	ONTP
LD 1038	An Act To Allow Junior Hunters To Take an Antlered or Antlerless Deer in Any Wildlife Management District on Youth Deer Hunting Day	ONTP

Department of Inland Fisheries and Wildlife

Not Enacted

LD 241	An Act To Eliminate the Authority of Game Wardens To Violate the Hunting and Fishing Laws When Carrying Out the Duties of the Department of Inland Fisheries and Wildlife	Leave to Withdraw Pursuant to Joint Rule 310
LD 868	An Act Regarding Game That Is Confiscated in Connection with an Alleged Violation of Inland Fisheries and Wildlife Laws	Majority (ONTP) Report
LD 1179	An Act To Increase Funding for Programs That Support the Mission of the Department of Inland Fisheries and Wildlife	ONTP

Dogs and Dog Training

Not Enacted

LD 278	An Act To Amend the Hunting Laws as They Pertain to the Training of Dogs	Majority (ONTP) Report
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Fish and Fishing

Enacted

LD 547	An Act To Update Maine's Fishing Laws	PUBLIC 150
LD 1218	Resolve, To Allow the Commissioner of Inland Fisheries and Wildlife To Extend the 2017 Ice Fishing Season	RESOLVE 2 EMERGENCY

Not Enacted

LD 187	Resolve, To Establish a Commission To Simplify Maine's Fishing Rules	ONTP
LD 188	An Act To Allow Dipping for Smelt on King Pond in Hancock County	Majority (ONTP) Report
LD 190	An Act To Allow Spearfishing for Northern Pike in Sebago Lake	ONTP
LD 425	An Act To Extend Fall Fishing Opportunities	ONTP
LD 471	Resolve, To Create the Commission To Study the Needs, Opportunities and Efficiencies Associated with the Production of Salmonid Sport Fish in Maine	Report A (ONTP)
LD 484	An Act To Allow Ice Fishing in Seboomook Lake Township on Baker Lake and on Third, Fourth and Fifth St. John Ponds	ONTP
LD 728	An Act Regarding Management and Stocking of Inland Fisheries	ONTP
LD 1236	An Act To Improve Maine's Heritage Fish List	CARRIED OVER
LD 1451	An Act To Promote Biosecurity and Better Regulate the Importation, Possession and Use of Aquatic Species	CARRIED OVER

Hunting

Enacted

LD 426	An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red	PUBLIC 82
LD 693	An Act To Clarify the Laws Governing Hunting from a Vehicle	PUBLIC 176
LD 869	An Act To Amend the Laws Governing Tagging of Harvested Animals	PUBLIC 226

Not Enacted

LD 11	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish	CARRIED OVER
LD 52	An Act To Exempt Certain Veterans from Hunter Safety Courses	Died Between Houses
LD 276	An Act To Require a Game Warden's Certificate To Kill Wild Animals Causing Damage to Crops or Orchards and Notification to Nearby Residents	Majority (ONTP) Report
LD 587	An Act To Allow Fees To Be Charged for Wild Game Dinners	Majority (ONTP) Report

LD 1002	An Act To Add .17 Caliber Hornady Magnum Rimfire Rifle Cartridges to the Cartridges Acceptable for Deer Hunting	ONTP
LD 1041	An Act Regarding the Safe Discharge of Firearms during Deer Hunting Season	ONTP

Lakes, Rivers and Dams

Enacted

LD 1626	Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Assume Ownership of the Forest City Project	RESOLVE 23
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Not Enacted

LD 359	An Act To Protect Maine Lakes and Ponds from Invasive Species	Majority (ONTP) Report
LD 729	An Act To Make Maine's Public Boat Launching Ramps Accessible by Persons with Physical Disabilities	ONTP
LD 1018	An Act To Prohibit Stocking Fish in or Using Live Fish as Bait on Tributaries to State Heritage Fish Waters	ONTP

Landowner Relations

Not Enacted

LD 1391	An Act To Ensure the Continuation of the Landowner Relations Program	CARRIED OVER
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Licenses and Permits

Enacted

LD 275	An Act To Expand Disabled Veteran Eligibility for Complimentary Hunting, Fishing and Trapping Licenses	PUBLIC 100
LD 552	An Act To Amend Maine's Fish and Wildlife Licensing Laws	PUBLIC 72
LD 557	An Act To Revoke the Hunting and Fishing Licenses of a Person Charged with Defacing Property Posting Signs	PUBLIC 50
LD 1019	An Act To Establish a 6-day Nonresident Archery License	PUBLIC 125
LD 1489	An Act To Authorize the Revocation, Suspension or Denial of a Guide License under Specified Circumstances	PUBLIC 204

Not Enacted

LD 768	An Act To Establish 2 Comprehensive Licenses for Hunting and for Hunting and Fishing	CARRIED OVER
LD 843	An Act To Adjust the Formula for Calculating the Allocation of Moose Permits for Hunting Lodges	CARRIED OVER

Moose

Enacted

LD 553 An Act To Offer Hunters 65 Years of Age or Older Who Have Accumulated at Least 30 Points a Guaranteed Moose Permit PUBLIC 76
EMERGENCY

LD 558 An Act To Improve Moose Hunting PUBLIC 96
EMERGENCY

Not Enacted

LD 222 An Act Regarding Maine's Moose Lottery ONTP

LD 630 An Act To Expand Opportunities for Moose Permit Winners To Swap Their Permits CARRIED OVER

LD 632 Resolve, To Recognize and Provide for the Right of Members of the Houlton Band of Maliseet Indians To Hunt Moose throughout Aroostook County Majority (ONTP)
Report

LD 695 An Act To Double the Number of Moose Permits Available for Auction by Conservation Organizations Majority (ONTP)
Report

LD 1065 An Act To Dedicate All Money Raised from the Moose Lottery and Permits to Research and Management of Moose ONTP

Omnibus

Enacted

LD 1497 An Act To Correct and Clarify Maine's Fish and Wildlife Laws PUBLIC 164

LD 1580 An Act To Clarify and Enhance Maine's Wildlife Laws PUBLIC 205

Not Enacted

LD 1582 An Act To Clarify and Enhance Maine's Fish and Wildlife Enforcement Laws ONTP

Sunday Hunting

Not Enacted

LD 61 An Act To Allow Bird Hunting on Sundays by Licensed Hunters Using a Shotgun Majority (ONTP)
Report

LD 109 An Act To Allow Sunday Hunting by Landowners and Those with Landowner Permission Majority (ONTP)
Report

LD 189 An Act To Allow Bird Hunting on Sunday in Aroostook County and Unorganized Townships in Western Maine Majority (ONTP)
Report

LD 424 An Act To Extend the Big Game Season in Coastal Wildlife Management Areas Majority (ONTP)
Report

LD 485 An Act To Allow Migratory Game Birds To Be Hunted on Sundays Majority (ONTP)
Report

LD 694 An Act To Create a Local Option for a Sunday Exception Allowing Deer Hunting with Rifles Majority (ONTP)
Report

Watercraft

Not Enacted

LD 342	An Act To Require the Use of Personal Flotation Devices in Canoes	Majority (ONTP) Report
LD 844	An Act To Make Excessive Boat Noise a Public Nuisance	ONTP
LD 933	An Act To Prohibit Personal Watercraft on Third Pond in Blue Hill	ONTP

Wild Turkey

Enacted

LD 98	An Act To Provide Greater Authority to the Department of Inland Fisheries and Wildlife over the Management of Wild Turkeys	PUBLIC 85
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Wildlife in Captivity

Enacted

LD 305	An Act To Increase the Penalty for Allowing Wildlife in Captivity To Escape in Violation of a Permit Requirement	PUBLIC 285
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Not Enacted

LD 35	Resolve, To Allow the Unlicensed Ownership of Hedgehogs as Pets	ONTP
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APPENDIX A

SESSION STATISTICS
OVERALL AND
BY INDIVIDUAL COMMITTEE

**128th LEGISLATURE
FIRST REGULAR SESSION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee		
<i>Bills referred and voted out and not carried over</i>	1306	79.3%
<i>Bills and Joint Resolutions Carried Over to next session</i>	319 *	19.4%
Total Bills referred	1624	98.7%
B. Bills reported out by law or joint order and not referred back to committee	3	0.2%
C. Bills introduced without reference	17	1.0%
D. <u>Bills referred, but not reported out</u>	2 **	
Total Bills considered by Legislature	1646	100.0%
E. Orders and Resolutions Referred to Committee		
<i>Joint Study Orders</i>	0	0.0%
<i>Joint Resolutions/Orders referred and voted out (SLG)</i>	1	0.1%
Total Orders and Resolutions Referred	1	0.1%
% of All Committee Reports		
II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	<u>Number</u>	<u>Reports</u>
A. Unanimous committee reports		
<i>Ought to Pass</i>	70	5.1%
<i>Ought to Pass as Amended</i>	272	19.6%
<i>Leave to Withdraw</i>	25	1.8%
<i>Ought Not to Pass</i>	523	37.8%
Total unanimous reports	890	64.3%
B. Divided committee reports		
<i>Two-way reports</i>	473	34.2%
<i>Three-way reports</i>	23	1.7%
<i>Four-way reports</i>	2	0.1%
Total divided reports	498	36.0%
Total Committee reports	1385	85.0%
III. CONFIRMATION HEARINGS	82	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of All Bills/Rules</u>
A. Bills and Papers enacted or finally passed		
<i>Joint Study Orders</i>	0	0.0%
<i>Public laws</i>	313	19.0%
<i>Private and Special Laws</i>	9	0.5%
<i>Resolves</i>	27	1.6%
<i>Constitutional Resolutions</i>	1	0.1%
Total Enacted or Finally Passed	350	21.3%
B. Resolves to authorize major substantive rules		
<i>Rules authorized without legislative changes</i>	6	50.0%
<i>Rules authorized with legislative changes</i>	5	41.7%
<i>Rules not authorized by the Legislature</i>	1	8.3%
Total number of rules reviewed	12	100.0%
C. Bills vetoed or held by Governor		
<i>Vetoed over-ridden</i>	55	3.3%
<i>Vetoed sustained</i>	73	4.4%
<i>Held by the Governor</i>	0	0.0%
Total	128	7.8%

* Total number of bills carried over to the next session includes 76 bills reported out of various committees and then carried over on the Special Appropriations Table by SP 601, 1 bill carried over on the Special Appropriations Table by HP 1138 and 1 bill carried over on the Special Study Table by SP 602.

** Bills referred, but not reported out include LD 571 from the TAX Committee and LD 719 from the VLA Committee.

**128th LEGISLATURE
AGRICULTURE, CONSERVATION AND FORESTRY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	51	82.3%	3.1%
<i><u>Bills Carried Over to next session</u></i>	<u>11</u> *	<u>17.7%</u>	<u>0.7%</u>
Total Bills referred	62	100.0%	3.8%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	62	100.0%	3.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	5.5%	0.2%
<i>Ought to Pass as Amended</i>	15	27.3%	1.1%
<i>Leave to Withdraw</i>	2	3.6%	0.1%
<i>Ought Not to Pass</i>	22	40.0%	1.6%
Total unanimous reports	42	76.4%	3.0%
B. Divided committee reports			
<i>Two-way reports</i>	13	23.6%	0.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	13	23.6%	0.9%
Total committee reports	55	88.7%	4.0%
III. CONFIRMATION HEARINGS	8	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	14	22.6%	0.9%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	1.6%	0.1%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	15	24.2%	0.9%
B. Major substantive rules			
<i>Authorized without legislative changes</i>	0	0.0%	0.0%
<i>Authorized with legislative changes</i>	0	0.0%	0.0%
<i>Rules carried over to next session</i>	0	0.0%	0.0%
<i><u>Not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	4	6.5%	0.2%
<i>Vetoed sustained</i>	3	4.8%	0.2%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	7	11.3%	0.4%

* Total number of bills carried over to the next session includes 4 bills reported out of the ACF Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
APPROPRIATIONS AND FINANCIAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	22	32.8%	1.3%
<u><i>Bills Carried Over to next session</i></u>	45 *	67.2%	2.7%
Total Bills referred	67	100.0%	4.1%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	67	100.0%	4.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	5	20.8%	0.4%
<i>Leave to Withdraw</i>	3	12.5%	0.2%
<u><i>Ought Not to Pass</i></u>	1	4.2%	0.1%
Total unanimous reports	9	37.5%	0.6%
B. Divided committee reports			
<i>Two-way reports</i>	13	54.2%	0.9%
<i>Three-way reports</i>	1	4.2%	0.1%
<u><i>Four-way reports</i></u>	1	4.2%	0.1%
Total divided reports	15	62.5%	1.1%
Total committee reports	24 **	35.8%	1.7%
III. CONFIRMATION HEARINGS	2	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	4	6.0%	0.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	1.5%	0.1%
<u><i>Constitutional Resolutions</i></u>	1	1.5%	0.1%
Total Enacted or Finally Passed	6	9.0%	0.4%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	0	0.0%	0.0%
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	1	1.5%	0.1%
<i>Vetoed sustained</i>	5	7.5%	0.3%
<u><i>Held by the Governor</i></u>	0	0.0%	0.0%
Total	6	9.0%	0.4%

* Total number of bills carried over to the next session includes 2 bills reported out of the AFA Committee and then carried over to the Second Regular Session by HP 1138.

** Total number of committee reports includes 2 bills reported out of the AFA Committee and then carried over to the Second Regular Session by HP 1138.

**128th LEGISLATURE
CRIMINAL JUSTICE AND PUBLIC SAFETY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	107	82.9%	6.5%
<u><i>Bills Carried Over to next session</i></u>	<u>22</u> *	<u>17.1%</u>	<u>1.3%</u>
Total Bills referred	129	100.0%	7.8%
B. Bills reported out by law or joint order and not referred back to committee			
	0	0.0%	0.0%
Total Bills considered by Committee	129	100.0%	7.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	6	5.1%	0.4%
<i>Ought to Pass as Amended</i>	24	20.5%	1.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>40</u>	<u>34.2%</u>	<u>2.9%</u>
Total unanimous reports	70	59.8%	5.1%
B. Divided committee reports			
<i>Two-way reports</i>	43	36.8%	3.1%
<i>Three-way reports</i>	3	2.6%	0.2%
<u><i>Four-way reports</i></u>	<u>1</u>	<u>0.9%</u>	<u>0.1%</u>
Total divided reports	47	40.2%	3.4%
Total committee reports	117	90.7%	8.4%
III. CONFIRMATION HEARINGS			
	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	28	21.7%	1.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	0.8%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	29	22.5%	1.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	8.3%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	8.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	5	3.9%	0.3%
<i>Vetoed sustained</i>	6	4.7%	0.4%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	11	8.5%	0.7%

* Total number of bills carried over to the next session includes 10 bills reported out of the CJPS Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
EDUCATION AND CULTURAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	121	89.6%	7.4%
<u><i>Bills Carried Over to next session</i></u>	<u>13</u> *	<u>9.6%</u>	<u>0.8%</u>
Total Bills referred	134	99.3%	8.1%
B. Bills reported out by law or joint order and not referred back to committee			
	1	0.7%	0.1%
Total Bills considered by Committee	135	100.0%	8.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	2.3%	0.2%
<i>Ought to Pass as Amended</i>	12	9.3%	0.9%
<i>Leave to Withdraw</i>	3	2.3%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>55</u>	<u>42.6%</u>	<u>4.0%</u>
Total unanimous reports	73	56.6%	5.3%
B. Divided committee reports			
<i>Two-way reports</i>	53	41.1%	3.8%
<i>Three-way reports</i>	3	2.3%	0.2%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	56	43.4%	4.0%
Total committee reports	129	95.6%	9.3%
III. CONFIRMATION HEARINGS	21	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	11	8.1%	0.7%
<i>Private and Special Laws</i>	1	0.7%	0.1%
<i>Resolves</i>	4	3.0%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	16	11.9%	1.0%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	2	100.0%	16.7%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	2	100.0%	16.7%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	2	1.5%	0.1%
<i>Vetoed sustained</i>	10	7.4%	0.6%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	12	8.9%	0.7%

* Total number of bills carried over to the next session includes 7 bills reported out of the EDU Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
ENERGY AND UTILITIES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	44	69.8%	2.7%
<u><i>Bills Carried Over to next session</i></u>	<u>18</u> *	<u>28.8%</u>	<u>1.1%</u>
Total Bills referred	62	98.4%	3.8%
B. Bills reported out by law or joint order and not referred back to committee	1	1.6%	0.1%
Total Bills considered by Committee	63	100.0%	3.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	4	8.5%	0.3%
<i>Ought to Pass as Amended</i>	14	29.8%	1.0%
<i>Leave to Withdraw</i>	1	2.1%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>18</u>	<u>38.3%</u>	<u>1.3%</u>
Total unanimous reports	37	78.7%	2.7%
B. Divided committee reports			
<i>Two-way reports</i>	10	21.3%	0.7%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	10	21.3%	0.7%
Total committee reports	47	74.6%	3.4%
III. CONFIRMATION HEARINGS	3	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	16	25.4%	1.0%
<i>Private and Special Laws</i>	3	4.8%	0.2%
<i>Resolves</i>	1	1.6%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	20	31.7%	1.2%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	1	100.0%	8.3%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i>Rules carried over to next session</i>	0		
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	8.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	2	3.2%	0.1%
<i>Vetoed sustained</i>	4	6.3%	0.2%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	6	9.5%	0.4%

* Total number of bills carried over to the next session includes 2 bills reported out of the EUT Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
ENVIRONMENT AND NATURAL RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	48	92.3%	2.9%
<u><i>Bills Carried Over to next session</i></u>	4	7.7%	0.2%
Total Bills referred	52	100.0%	3.2%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	52	100.0%	3.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	2.1%	0.1%
<i>Ought to Pass as Amended</i>	5	10.4%	0.4%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	27	56.3%	1.9%
Total unanimous reports	33	68.8%	2.4%
B. Divided committee reports			
<i>Two-way reports</i>	15	31.3%	1.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	0	0.0%	0.0%
Total divided reports	15	31.3%	1.1%
Total committee reports	48	92.3%	3.5%
III. CONFIRMATION HEARINGS	3	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	8	15.4%	0.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	0	0.0%	0.0%
Total Enacted or Finally Passed	8	15.4%	0.5%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	1	100.0%	8.3%
Total number of rules reviewed	1	100.0%	8.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	3	5.8%	0.2%
<i>Vetoed sustained</i>	5	9.6%	0.3%
<u><i>Held by the Governor</i></u>	0	0.0%	0.0%
Total	8	15.4%	0.5%

**128th LEGISLATURE
HEALTH AND HUMAN SERVICES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	133	64.9%	8.1%
<u>Bills Carried Over to next session</u>	<u>72</u> *	<u>35.1%</u>	<u>4.4%</u>
Total Bills referred	205	100.0%	12.5%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	205	100.0%	12.5%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	7	4.5%	0.5%
<i>Ought to Pass as Amended</i>	27	17.5%	1.9%
<i>Leave to Withdraw</i>	3	1.9%	0.2%
<u>Ought Not to Pass</u>	<u>57</u>	<u>37.0%</u>	<u>4.1%</u>
Total unanimous reports	94	61.0%	6.8%
B. Divided committee reports			
<i>Two-way reports</i>	55	35.7%	4.0%
<i>Three-way reports</i>	5	3.2%	0.4%
<u>Four-way reports</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	60	39.0%	4.3%
Total committee reports	154	75.1%	11.1%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	30	14.6%	1.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	5	2.4%	0.3%
<u>Constitutional Resolutions</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	35	17.1%	2.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	3	60.0%	25.0%
Rules authorized with legislative changes	2	40.0%	16.7%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	5	100.0%	41.7%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	9	4.4%	0.5%
<i>Vetoed sustained</i>	5	2.4%	0.3%
<u>Held by the Governor</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	14	6.8%	0.9%

* Total number of bills carried over to the next session includes 20 bills reported out of the HHS Committee and then carried over on the Special Appropriations Table by SP 601 and 1 bill carried over on the Special Appropriations Table by HP 1138.

**128th LEGISLATURE
INSURANCE AND FINANCIAL SERVICES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	48	78.7%	2.9%
<u><i>Bills Carried Over to next session</i></u>	13 *	21.3%	0.8%
Total Bills referred	61	100.0%	3.7%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	61	100.0%	3.7%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	6	12.0%	0.4%
<i>Ought to Pass as Amended</i>	17	34.0%	1.2%
<i>Leave to Withdraw</i>	1	2.0%	0.1%
<u><i>Ought Not to Pass</i></u>	12	24.0%	0.9%
Total unanimous reports	36	72.0%	2.6%
B. Divided committee reports			
<i>Two-way reports</i>	14	28.0%	1.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	0	0.0%	0.0%
Total divided reports	14	28.0%	1.0%
Total committee reports	50	82.0%	3.6%
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	23	37.7%	1.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	1.6%	0.1%
<u><i>Constitutional Resolutions</i></u>	0	0.0%	0.0%
Total Enacted or Finally Passed	24	39.3%	1.5%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	8.3%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	0	0.0%	0.0%
Total number of rules reviewed	1	100.0%	8.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	2	3.3%	0.1%
<i>Vetoed sustained</i>	2	3.3%	0.1%
<u><i>Held by the Governor</i></u>	0	0.0%	0.0%
Total	4	6.6%	0.2%

* Total number of bills carried over to the next session includes 2 bills reported out of the IFS Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
INLAND FISHERIES AND WILDLIFE**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	73	91.3%	4.4%
<i><u>Bills Carried Over to next session</u></i>	<u>7</u>	<u>8.8%</u>	<u>0.4%</u>
Total Bills referred	80	100.0%	4.9%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	80	100.0%	4.9%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	1.3%	0.1%
<i>Ought to Pass as Amended</i>	16	21.3%	1.2%
<i>Leave to Withdraw</i>	1	1.3%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>29</u>	<u>38.7%</u>	<u>2.1%</u>
Total unanimous reports	47	62.7%	3.4%
B. Divided committee reports			
<i>Two-way reports</i>	26	34.7%	1.9%
<i>Three-way reports</i>	2	2.7%	0.1%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	28	37.3%	2.0%
Total committee reports	75	93.8%	5.4%
III. CONFIRMATION HEARINGS	0	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	20	25.0%	1.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	2.5%	0.1%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	22	27.5%	1.3%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

* Total number of bills carried over to the next session includes 2 bills reported out of the IFW Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
JUDICIARY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	98	86.0%	6.0%
<u>Bills Carried Over to next session</u>	<u>16</u> *	<u>14.0%</u>	<u>1.0%</u>
Total Bills referred	114	100.0%	6.9%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	114	100.0%	6.9%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	7	6.9%	0.5%
<i>Ought to Pass as Amended</i>	20	19.6%	1.4%
<i>Leave to Withdraw</i>	2	2.0%	0.1%
<u>Ought Not to Pass</u>	<u>37</u>	<u>36.3%</u>	<u>2.7%</u>
Total unanimous reports	66	64.7%	4.8%
B. Divided committee reports			
<i>Two-way reports</i>	35	34.3%	2.5%
<i>Three-way reports</i>	1	1.0%	0.1%
<u>Four-way reports</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	36	35.3%	2.6%
Total committee reports	102	89.5%	7.4%
III. CONFIRMATION HEARINGS	9	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	23	20.2%	1.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u>Constitutional Resolutions</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	23	20.2%	1.4%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i>Rules carried over to the next session</i>	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-riden</i>	5	4.4%	0.3%
<i>Vetoed sustained</i>	8	7.0%	0.5%
<u>Held by the Governor</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	13	11.4%	0.8%

* Total number of bills carried over to the next session includes 4 bills reported out of the JUD Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	125	88.0%	7.6%
<u><i>Bills Carried Over to next session</i></u>	<u>17</u> *	<u>12.0%</u>	<u>1.0%</u>
Total Bills referred	142	100.0%	8.6%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	142	100.0%	8.6%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	7	5.3%	0.5%
<i>Ought to Pass as Amended</i>	35	26.3%	2.5%
<i>Leave to Withdraw</i>	2	1.5%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>41</u>	<u>30.8%</u>	<u>3.0%</u>
Total unanimous reports	85	63.9%	6.1%
B. Divided committee reports			
<i>Two-way reports</i>	48	36.1%	3.5%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	48	36.1%	3.5%
Total committee reports	133	93.7%	9.6%
III. CONFIRMATION HEARINGS	18	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	41	28.9%	2.5%
<i>Private and Special Laws</i>	1	0.7%	0.1%
<i>Resolves</i>	1	0.7%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	43	30.3%	2.6%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	4	2.8%	0.2%
<i>Vetoed sustained</i>	7	4.9%	0.4%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	11	7.7%	0.7%

* Total number of bills carried over to the next session includes 8 bills reported out of the LCRED Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
MARINE RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	38	92.7%	2.3%
<u><i>Bills Carried Over to next session</i></u>	<u>3</u>	<u>7.3%</u>	<u>0.2%</u>
Total Bills referred	41	100.0%	2.5%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	41	100.0%	2.5%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	9	23.7%	0.6%
<i>Leave to Withdraw</i>	1	2.6%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>19</u>	<u>50.0%</u>	<u>1.4%</u>
Total unanimous reports	29	76.3%	2.1%
B. Divided committee reports			
<i>Two-way reports</i>	9	23.7%	0.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	9	23.7%	0.6%
Total committee reports	38	92.7%	2.7%
III. CONFIRMATION HEARINGS	2	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	29.3%	0.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	12	29.3%	0.7%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

**128th LEGISLATURE
MARIJUANA LEGALIZATION AND IMPLEMENTATION COMMITTEE**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	2	5.9%	0.1%
<u><i>Bills Carried Over to next session</i></u>	<u>31</u>	<u>91.2%</u>	<u>1.9%</u>
Total Bills referred	33	97.1%	2.0%
B. Bills reported out by law or joint order and not referred back to committee			
	1	2.9%	0.1%
Total Bills considered by Committee	34	100.0%	2.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	33.3%	0.1%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	1	33.3%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total unanimous reports	2	66.7%	0.1%
B. Divided committee reports			
<i>Two-way reports</i>	1	33.3%	0.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	1	33.3%	0.1%
Total committee reports	3	8.8%	0.2%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	1	2.9%	0.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	1	2.9%	0.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	1	2.9%	0.1%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	1	2.9%	0.1%

**128th LEGISLATURE
STATE AND LOCAL GOVERNMENT**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	72	84.7%	4.4%
<u><i>Bills Carried Over to next session</i></u>	<u>13</u> *	<u>15.3%</u>	<u>0.8%</u>
Total Bills referred	85	100.0%	5.2%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	85	100.0%	5.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	1	100.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	1	100.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	9	12.0%	0.6%
<i>Ought to Pass as Amended</i>	16	21.3%	1.2%
<i>Leave to Withdraw</i>	1	1.3%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>13</u>	<u>17.3%</u>	<u>0.9%</u>
Total unanimous reports	39	52.0%	2.8%
B. Divided committee reports			
<i>Two-way reports</i>	35	46.7%	2.5%
<i>Three-way reports</i>	1	1.3%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	36	48.0%	2.6%
Total committee reports	75	87.2%	5.4%
III. CONFIRMATION HEARINGS	4	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	16	18.8%	1.0%
<i>Private and Special Laws</i>	3	3.5%	0.2%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	19	22.4%	1.2%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	5	5.9%	0.3%
<i>Vetoed sustained</i>	9	10.6%	0.5%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	14	16.5%	0.9%

* Total number of bills carried over to the next session includes 2 bill reported out of the SLG Committee and then carried over on the Special Appropriations Table by SP 601 and 1 bill carried over on the Special Study Table by SP 602.

**128th LEGISLATURE
TAXATION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	96	83.5%	5.8%
<u><i>Bills Carried Over to next session</i></u>	19 *	16.5%	1.2%
Total Bills referred	115 **	100.0%	7.0%
B. Bills reported out by law or joint order and not referred back to committee			
	0	0.0%	0.0%
Total Bills considered by Committee	115	100.0%	7.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	6	5.7%	0.4%
<i>Ought to Pass as Amended</i>	16	15.2%	1.2%
<i>Leave to Withdraw</i>	2	1.9%	0.1%
<u><i>Ought Not to Pass</i></u>	42	40.0%	3.0%
Total unanimous reports	66	62.9%	4.8%
B. Divided committee reports			
<i>Two-way reports</i>	36	34.3%	2.6%
<i>Three-way reports</i>	3	2.9%	0.2%
<u><i>Four-way reports</i></u>	0	0.0%	0.0%
Total divided reports	39	37.1%	2.8%
Total committee reports	105 ***	91.3%	7.6%
III. CONFIRMATION HEARINGS			
	0	N/A	N/A
IV. FINAL DISPOSITION			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	10.4%	0.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	0.9%	0.1%
<u><i>Constitutional Resolutions</i></u>	0	0.0%	0.0%
Total Enacted or Finally Passed	13	11.3%	0.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	0	0.0%	0.0%
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	2	1.7%	0.1%
<i>Vetoed sustained</i>	2	1.7%	0.1%
<u><i>Held by the Governor</i></u>	0	0.0%	0.0%
Total	4	3.5%	0.2%

* Total number of bills carried over to the next session includes 10 bills reported out of the TAX Committee and then carried over on the Special Appropriations Table by SP 601.

** Total number of bills referred includes LD 571, which was referred to the committee and was voted to carry over, but was later removed from the committee without a committee report under Joint Rule 309.

*** Total number of committee reports does not include LD 571, which was referred to the committee and was voted to carry over, but was later removed from the committee without a committee report under Joint Rule 309.

**128th LEGISLATURE
TRANSPORTATION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	104	94.5%	6.3%
<u><i>Bills Carried Over to next session</i></u>	<u>6</u> *	<u>5.5%</u>	<u>0.4%</u>
Total Bills referred	110	100.0%	6.7%
B. Bills reported out by law or joint order and not referred back to committee			
	0	0.0%	0.0%
Total Bills considered by Committee	110	100.0%	6.7%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	8	7.6%	0.6%
<i>Ought to Pass as Amended</i>	15	14.3%	1.1%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	56	53.3%	4.0%
Total unanimous reports	79	75.2%	5.7%
B. Divided committee reports			
<i>Two-way reports</i>	25	23.8%	1.8%
<i>Three-way reports</i>	1	1.0%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	26	24.8%	1.9%
Total committee reports	105	95.5%	7.6%
III. CONFIRMATION HEARINGS	6	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	24	21.8%	1.5%
<i>Private and Special Laws</i>	1	0.9%	0.1%
<i>Resolves</i>	4	3.6%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	29	26.4%	1.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	5	4.5%	0.3%
<i>Vetoed sustained</i>	4	3.6%	0.2%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	9	8.2%	0.5%

* Total number of bills carried over to the next session includes 1 bill reported out of the TRA Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
VETERANS AND LEGAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	124	93.9%	7.5%
<i><u>Bills and Joint Resolutions Carried Over to next session</u></i>	<u>8</u> *	<u>6.1%</u>	<u>0.5%</u>
Total Bills referred	132 **	100.0%	8.0%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	132	100.0%	8.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	0.8%	0.1%
<i>Ought to Pass as Amended</i>	26	20.3%	1.9%
<i>Leave to Withdraw</i>	2	1.6%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>54</u>	<u>42.2%</u>	<u>3.9%</u>
Total unanimous reports	83	64.8%	6.0%
B. Divided committee reports			
<i>Two-way reports</i>	42	32.8%	3.0%
<i>Three-way reports</i>	3	2.3%	0.2%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	45	35.2%	3.2%
Total committee reports	128	97.0%	9.2%
III. CONFIRMATION HEARINGS	5	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	28	21.2%	1.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	4	3.0%	0.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	32	24.2%	1.9%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	1	100.0%	8.3%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	8.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	5	3.8%	0.3%
<i>Vetoed sustained</i>	3	2.3%	0.2%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	8	6.1%	0.5%

* Total number of bills carried over to the next session includes 4 bills reported out of the VLA Committee and then carried over on the Special Appropriations Table by SP 601.

** Total number of bills referred does not include LD 719, which was removed from committee without a committee report under Joint Rule 309.

Prepared by the Office of Policy and Legal Analysis
128th Legislature, First Regular Session

APPENDIX B

INDEX OF BILLS

NOT REFERRED TO COMMITTEE

**BILLS NOT REFERRED:
COMMITTEE WHERE SUMMARY MAY BE FOUND**

<u>LD</u>	<u>TITLE</u>	<u>COMMITTEE</u>
211	An Act To Require a State Automobile Inspection Biannually	Transportation
303	An Act To Change the Name of Captain Ambrose Bear Stream	State and Local Government
314	An Act Concerning Emergency Lights on Police Vehicles	Transportation
824	An Act To Curb Drug-impaired Driving	Transportation
892	An Act To Allow an Attorney Responding to an Incident that Involved the Use of Deadly Force To Use Emergency Lights on a Vehicle	Criminal Justice and Public Safety
1039	An Act To Enhance Access to Affordable Health Care	Health and Human Services
1116	An Act To Improve the Unemployment Compensation System	Labor, Commerce, Research and Economic Development
1222	An Act To Address the Policies Relating to Substance Use in the Workplace	Labor, Commerce, Research and Economic Development
1303	An Act To Establish the Vaccine Consumer Protection Program within the Department of Health and Human Services	Health and Human Services
1528	An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of Regional School Unit No. 5	Education and Cultural Affairs
1627	An Act To Protect the Integrity of Maine Elections by Requiring Photographic Identification for the Purpose of Voting	Veterans and Legal Affairs
1631	An Act To Repeal the Law Permitting Advance Deposit Wagering	Veterans and Legal Affairs
1633	An Act Concerning Private Personal Information of Public Employees and Licensed Individuals	Judiciary
1634	An Act To Update the Scheduling Guidelines for Review of Agencies or Independent Agencies under the State Government Evaluation Act	Energy, Utilities and Technology
1638	An Act To Promote Workforce Education Attainment	Education and Cultural Affairs

**BILLS NOT REFERRED:
COMMITTEE WHERE SUMMARY MAY BE FOUND**

<u>LD</u>	<u>TITLE</u>	<u>COMMITTEE</u>
1640	Resolve, To Allow the Issuance of Open Burn Permits through Private Online Services	Agriculture, Conservation and Forestry
1641	An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities	Marijuana Legalization Implementation
1643	An Act To Provide Funding to the Loring Development Authority of Maine for Implementation Grants	Labor, Commerce, Research and Economic Development
1644	An Act To Fund the Agreement with Executive Branch Employees	Appropriations and Financial Affairs
1645	An Act To Reduce the Rate of Tax Imposed on the Rental of Living Quarters	Taxation