Joint Standing Committee on Agriculture, Conservation and Forestry

LD 640 **An Act To Recognize the Importance of Forestry** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	
NUTTING J		

LD 640 proposed enacting language to recognize that forest industry is of significant economic and social importance to the State.

LD 934 **Resolve, To Direct the Department of Conservation, Bureau of Parks and Lands To Lease Certain Public Reserved Lands to the Town of Allagash** **RESOLVE 173**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	OTP-AM MAJ	H-750
BRYANT B	ONTP MIN	H-907 PIOTTI

LD 934 proposed authorizing the transfer of public lands to the Town of Allagash.

Committee Amendment "B" (H-750) proposed the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed authorizing the transfer of one public lot to the Town of Allagash.

House Amendment "A" to Committee Amendment "B" (H-907) proposed replacing the resolve, as amended by Committee Amendment "B," with a requirement that the Director of Parks and Lands lease the timber rights on 4 public reserved lots to the Town of Allagash.

Enacted law summary

Resolve 2005, chapter 173 requires the Director of Parks and Lands, with the approval of the Town of Allagash, to lease the timber rights on 4 public reserved lots in Allagash to the Town.

LD 1064 **An Act To Clarify the Laws Governing Agricultural Composting Operations** **PUBLIC 638**

Sponsor(s)	Committee Report	Amendments Adopted
WOODCOCK	OTP-AM	
CARR		

LD 1064 proposed enacting a definition of "agricultural composting" and clarifying that agricultural composting operations qualify for certain sales tax exemptions. It proposed specifically including work in connection with "agricultural composting" in the definition of "agricultural labor" as that term is used in Maine's unemployment compensation statutes.

Committee Amendment "B" (S-563) proposed replacing the definition of "agricultural composting" found in the bill with definitions of "agricultural composting operation" and "composting." It proposed removing the provision that proposed excluding workers in the employ of an agricultural composting operation from the definition of employment in Maine's unemployment compensation statute. It proposed removing the retroactivity provision in the bill.

Enacted law summary

Public Law 2005, chapter 638 enacts definitions of "agricultural composting operation" and "composting" in the statutory provision that declares certain farm operations not to be a nuisance under Title 17, Chapter 91. It includes agricultural composting operations in the definition of "commercial agricultural production" under Title 36, section 2013, allowing these operations to qualify for certain sales tax exemptions.

LD 1406 **An Act To Preserve Public Access and Job Opportunities in the North Woods** **ONTP**

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

LD 1406 proposed creating the Maine Woods Act and establishing the Maine Woods Board as a public instrumentality of the State. The board's central duty would be to support sustainable forestry and provide public access and recreational opportunities through the acquisition and maintenance of forest lands. The board would have independent bonding authority to fund acquisitions, as proposed in this bill.

Committee Amendment "A" (S-440) proposed the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed changing the bill to a resolve directing the Commissioner of Conservation to develop recommendations for increasing access to capital for the purchase of forest land for the production of forest products and with continuing public access for recreation. The minority report was not adopted.

LD 1657 **An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides** **PUBLIC 553 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY	OTP-AM	H-885
DAMON		

LD 1657 proposed limits on the application of pesticides near the normal high tide mark for the control of browntail moths.

Committee Amendment "A" (H-885) proposed buffers and restrictions on the application of pesticides to control browntail moths in coastal areas of Cumberland, Sagadahoc and York counties. It proposed requiring the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to

monitor certain pesticide applications, complete its assessment of risks and benefits of pesticide applications near coastal waters, and report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 2, 2007.

Enacted law summary

Public Law 2005, chapter 553 establishes buffers and restrictions on the application of pesticides to control browntail moths in coastal areas of Cumberland, Sagadahoc and York counties. These provisions are repealed March 31, 2007. Chapter 553 directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to monitor certain pesticide applications, complete its assessment of risks and benefits of pesticide applications near coastal waters, and report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 2, 2007. It authorizes the committee to report out legislation to the 123rd Legislature on pesticide applications in coastal areas.

Public Law 2005, chapter 553 was enacted as an emergency measure effective April 7, 2006.

LD 1720 **An Act To Make Revisions to the Maine Revised Statutes Relating to Agriculture** **PUBLIC 512**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-805

LD 1720 proposed technical changes and clarifications to several sections in Title 7. It proposed repealing and amending other provisions to improve administration and enforcement by the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-805) proposed revising the number of days that apples must be kept under specified conditions to be represented as exposed to "controlled storage" and increasing the fine for violation of laws pertaining to the disposal of cull potatoes.

Enacted law summary

Public Law 2005, chapter 512, in addition to technical changes and corrections to Title 7, makes the following substantive changes:

1. It repeals the requirement that the Commissioner of Agriculture, Food and Rural Resources provide an opportunity for a hearing when the commissioner becomes cognizant of a violation of any provision in the Maine Revised Statutes, Title 7 or other statutes delegating responsibility to the commissioner or the department;

2. It amends a provision relating to farms purchased by the State for use by the Maine Agricultural Experiment Station to clarify that restrictions on use apply no matter when the farms were or are acquired;

3. It requires that annual reports by the county extension associations be sent to the University of Maine rather than its board of trustees;

4. It specifies that products sold at a farmers' market that are not grown or processed by the person selling the products must be purchased directly from another farmer who grew or processed the products;

5. It enacts a provision for determining origin for products sold at a farmers' market to facilitate enforcement and revises an enforcement provision for determining origin of produce labeled “native”;

6. It repeals the definition of the term “drug” and provisions in Title 7 relating to adulteration of drugs and meats. The Maine Pharmacy Act, enacted in 1988, Title 32, chapter 117, establishes the Maine Board of Pharmacy and charges the board with regulation of drugs. The Department of Agriculture, Food and Rural Resources is charged with administering and enforcing provisions pertaining to preparation of meat under Title 22, chapter 562-A;

7. It authorizes the commissioner to have analyses performed at public or private laboratories and repeals specific responsibilities of the Director of the Agricultural Experiment Station relating to analysis;

8. It clarifies ambiguous statutory provisions governing the sale of eggs;

9. It amends the definition of “product name” and uses the term “product name” to specify feed products to which a registration fee applies;

10. It revises the number of days that apples must be kept under specified conditions to be represented as exposed to “controlled storage” to reflect changes in technology and the industry standards; and

11. It increases the fine for violation of laws pertaining to the disposal of cull potatoes.

LD 1776 **An Act To Establish the Maine Agricultural Water Management Board and the Sustainable Agricultural Water Source Program** **PUBLIC 559 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP-AM	S-540

LD 1776 proposed establishment of the Maine Agricultural Water Management Board to develop, manage and regulate agricultural water source development and withdrawals in Maine. The bill proposed authorizing the board to establish a drought abatement program through rulemaking.

Committee Amendment “A” (S-540) proposed replacing the bill. It proposed establishment of the Maine Agricultural Water Management Board and the sustainable agricultural water source program. The amendment proposed specific responsibilities of the board, the Department of Agriculture, Food and Rural Resources and the Department of Environmental Protection.

Enacted law summary

Public Law 2005, chapter 559 establishes the Maine Agricultural Water Management Board and the sustainable agricultural water source program. The board’s duties include overseeing and coordinating the development of water sources for agricultural use. The board is directed to work with the Department of Environmental Protection in fulfilling its duties. Chapter 559 establishes a process for the

development of site specific flow standards and water levels for a water body used as source by agriculture and determination of compliance dates for agricultural users. Chapter 559 details the responsibilities of the board, the Department of Agriculture, Food and Rural Resources, and the Department of Environmental Protection in implementing the sustainable agricultural water source program.

Public Law 2005, chapter 559 was enacted as an emergency measure effective April 10, 2006.

LD 1787 **An Act Regarding Certain Easements across State Park Land** **ONTP**

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

LD 1787 proposed directing the Department of Conservation, Bureau of Parks and Lands to grant easements to allow underground utility services to be provided to homes adjacent to Wolfe's Neck Woods State Park.

LD 1791 **An Act To Increase the Number of Members on the Board of Pesticides Control** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	ONTP	

LD 1791 proposed adding 2 members to the Board of Pesticides Control, for a total of 9 members. The board currently has 2 members who are pesticides experts, one in agriculture and one in forestry. The bill proposed adding an expert in structural pest management and a member of the public representing a statewide business association. The bill proposed amending the qualifications of the 2 public members currently described as having a demonstrated interest in environmental protection to specify that these members have practical experience and knowledge in environmental protection.

LD 1803 **An Act To Create a Maine Agricultural Water Source Development and Management Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	ONTP	

LD 1803 proposed establishing an agricultural water source development and management program to ensure that agricultural producers have access to water for crop and livestock needs, especially during agricultural droughts. This bill also proposed to establish the Maine Agricultural Water Management Board. See bill summary for LD 1776.

LD 1841 **An Act To Allow the Use of Fallen Apples in Apple Cider** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TWOMEY	ONTP	

LD 1841 proposed limiting the prohibition on using apples that have dropped from trees for pressing cider only to orchards where livestock or poultry are present.

LD 1853 **Resolve, Directing the Department of Agriculture, Food and Rural Resources to Conduct Outreach Activities Pertaining to Animal Identification** **RESOLVE 198**

Sponsor(s)	Committee Report		Amendments Adopted	
PIOTTI	OTP-AM	MAJ	H-918	
	OTP-AM	MIN	H-988	PIOTTI

LD 1853 proposed directing the Commissioner of Agriculture, Food and Rural Resources to establish the Maine Animal Identification Program by rule and required that the program be consistent with the federal system.

Committee Amendment "B" (H-918) proposed the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed replacing the bill with a resolve directing the Commissioner of Agriculture, Food and Rural Resources to conduct outreach activities to inform members of the agricultural community and the general public about initiatives at the federal and state levels to require animal identification. It proposed requiring the commissioner to report to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2007 on meetings held and the status of federal initiatives.

Committee Amendment "C" (H-919) proposed the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed requiring the Commissioner of Agriculture, Food and Rural Resources to develop an animal identification program and requires rulemaking to establish a system for registering premises where livestock and poultry are kept and for the identification of individual animals and lots of animals. It specified certain elements to be included in the rules.

It also proposed directing the Commissioner of Agriculture, Food and Rural Resources to conduct outreach and to report to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2007 on meetings held and the status of federal initiatives.

House Amendment "A" to Committee Amendment "B" (H-988) proposed authorizing the Commissioner of Agriculture, Food and Rural Resources to adopt rules pertaining to animal identification and registration if the United States Department of Agriculture or any other federal agency takes action prior to January 1, 2007 to require registration of premises where livestock or poultry is kept or identification of livestock or poultry.

Enacted law summary

Resolves 2005, chapter 198 directs the Commissioner of Agriculture, Food and Rural Resources to conduct outreach activities to inform members of the agricultural community and the general public about initiatives at the federal and state levels to require animal identification. Meetings must allow time for public comment. The commissioner is required to report to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2007 on meetings held and the status of federal initiatives.

It authorizes the Commissioner of Agriculture, Food and Rural Resources to adopt rules pertaining to animal identification and registration if the United States Department of Agriculture or any other federal agency takes action prior to January 1, 2007 to require registration of premises where livestock or poultry is kept or identification of livestock or poultry and designates these rules as major substantive rules.

LD 1863 **An Act To Permit Supplemental Environmental Projects for Forest Practices Violations** **PUBLIC 514**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD	OTP-AM	H-804

LD 1863 proposed allowing the Department of Conservation Bureau of Forestry to incorporate a supplemental environmental project into the settlement of a civil enforcement action for any violation of the provisions of the forest practices laws administered by the bureau.

Committee Amendment "A" (H-804) proposed repealing an obsolete effective date for violation provisions and clarifying that the provisions for supplemental environmental projects apply only to violations of the forest practices laws in the Maine Revised Statutes, Title 12, chapter 805, subchapter 3-A.

Enacted law summary

Public Law 2005, chapter 514 allows the Department of Conservation, Bureau of Forestry to incorporate a supplemental environmental project into the settlement of a civil enforcement action for a violation of the forest practices laws administered by the bureau. A "supplemental environmental project" is a project that benefits the public health or the environment and that a violator is not otherwise required or likely to perform.

LD 1872 **An Act To Provide Forest Certification Cost-share Incentives to Forest Landowners and Licensed Foresters** **PUBLIC 513**

Sponsor(s)	Committee Report		Amendments Adopted
PIOTTI	OTP-AM	MAJ	H-798
	OTP-AM	MIN	

LD 1872 proposed amending the laws governing the certified forest resource manager grant fund in the Department of Conservation, Bureau of Forestry to establish a forest certification incentive cost-share fund.

Committee Amendment "A" (H-798) proposed the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed expanding the eligibility criteria for reimbursement from the forest certification incentive cost-share fund to include a group of landowners who collectively receive certification. It also proposed allowing the fund to be used for recertification.

Committee Amendment "B" (H-799) proposed the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. Like the majority report, it proposed expanding the eligibility criteria for reimbursement from the forest certification incentive cost-share fund. In addition, to qualify for reimbursement from the fund, the minority report proposed requiring a landowner or group of landowners to submit a statement verifying that management of the certified land addresses each of 7 areas. The minority report was not adopted.

Enacted law summary

Public Law 2005, chapter 513 amends the laws governing the certified forest resource manager grant fund in the Department of Conservation, Bureau of Forestry to establish a forest certification incentive cost-share fund. Owners of 1,000 acres or less of forest land and groups of landowners as well as certified resource managers are eligible for reimbursement from the fund. The fund may also be used as reimbursement for recertification costs. It limits the amount of reimbursement received by a group of landowners based on the number of landowners at or below the 1,000-acre ownership threshold.

LD 1881 **An Act Amending the Animal Welfare Laws** **PUBLIC 510**

Sponsor(s)	Committee Report		Amendments Adopted
PIOTTI	OTP-AM	MAJ	H-774
	ONTP	MIN	

LD 1881 proposed several amendments to the animal welfare laws. It proposed definitions for "companion livestock." It proposed amending the definitions for "animal shelter," "breeding kennel," "companion animal" and "foster home". It proposed repealing the surcharge currently assessed for unneutered cats and dogs sold by a breeding kennel; enacting a civil violation and a crime of endangering the welfare of a companion animal or companion livestock; and amending the domestic relations laws to authorize judges to write protection from abuse orders to protect both companion animals and companion livestock.

Committee Amendment "A" (H-774) is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed changes to the definitions of "animal shelter" and "breeding kennel." It proposed deleting sections of the bill amending the definition of "companion animal" and enacting a definition for "companion livestock." It repeals the definition of "foster home," a term that is not used in the animal welfare statutes. It proposed removing the provisions establishing civil and criminal violations of endangerment. It proposed specifying that a violation of a protection from abuse order that directs the care or custody of an animal is contempt.

Enacted law summary

Public Law 2005, chapter 510 amends the definitions of "animal shelter" and "breeding kennel" used in the animal welfare laws. It repeals the surcharge currently assessed for unneutered cats and dogs sold by a breeding kennel. It specifically authorizes judges to include directives for the care, custody and control of animals when writing protection from abuse orders and designates a violation of such a protection order as contempt.

LD 1890 **An Act To Make Revisions to the Laws Governing Pesticide Control** **PUBLIC 620**

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	A	S-642
	OTP-AM	B	
	OTP-AM	C	

LD 1890 proposed changes to the laws governing pesticides to make the laws read more clearly and to update language. This bill also proposed substantive changes. It proposed repealing the Maine Revised Statutes, Title 7, section 607-A, which requires the Board of Pesticides Control to undertake a risk assessment for all pesticides used in the State. It proposed modifying statutory provisions for registering, canceling or suspending registrations to make the language consistent with the board's actual practices. The bill proposed designating in statute that rules adopted by the Board of Pesticides Control are routine technical rules. The board's rulemaking authority predates January 1, 1996 and rules had not been categorized as either routine technical or major substantive.

Committee Amendment "A" (H-860) proposed the report of 6 members of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed revising instead of repealing provisions for pesticides reviews. It directs the board to conduct a minimum of 2 reviews a year. It allows the board to determine the review process and clarifies that the board cannot refuse to renew a registration based solely on its inability to conduct a review. It requires the board to conduct a water residue survey at least once every 6 years.

Committee Amendment "B" (H-861) proposed the report of 5 members of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed revising statutory provisions for pesticides review identical to those proposed in Committee Amendment "A." It proposed designating rules relating to the application of pesticides as major substantive rules.

Committee Amendment "C" (H-862) proposed the report of 2 members of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed revising statutory provisions for pesticides review identical to those proposed in Committee Amendment "A." It proposed designating

rules relating to the application of pesticides and proposed for adoption after the effective date of this legislation as major substantive rules and amendments to these rules as routine technical rules.

Committee Amendment "A" (S-642) proposed the committee of conference amendment. It proposed changes to provisions for pesticides reviews identical to those proposed in all 3 committee reports. (H-860, H-861, H-862). The conference committee amendment proposed requiring the Board of Pesticides Control to submit its regulatory agenda each year by January 15th and the legislative committee of jurisdiction to review the agenda by February 15th. It proposed authorizing the legislative committee of jurisdiction to report out legislation designating any rule on the agenda as a major substantive rule.

Enacted law summary

Public Law 2005, chapter 620, amends the laws governing pesticides. Many of the changes are technical or organizational changes to make the laws read more clearly or to update language. Chapter 620 amends statutory provisions for registering, canceling or suspending registrations to make the language consistent with the board's actual practices. It revises provisions for pesticides reviews by the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control under the Maine Revised Statutes, Title 7, section 607-A. It directs the board to conduct a minimum of 2 reviews a year. It allows the board to determine the review process and clarifies that the board cannot refuse to renew a registration based solely on its inability to conduct a review. It requires the board to conduct a water residue survey at least once every 6 years.

Chapter 620 designates rules adopted by the Board of Pesticides Control as routine technical rules. The board's rulemaking authority predates January 1, 1996 and rules had not been categorized as either routine technical or major substantive. It requires the Board of Pesticides Control to submit its regulatory agenda each year by January 15th. The legislative committee of jurisdiction is required to review the agenda by February 15th and is authorized to report out legislation designating any rule on the agenda as a major substantive rule.

LD 1985 **An Act To Make Revisions to the Maine Revised Statutes Relating to Agricultural Fairs** **PUBLIC 563**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-825
		H-928 PIOTTI

LD 1985 proposed repealing the Maine Revised Statutes, Title 7, chapter 3, "County and Local Societies," and replacing it with chapter 4, "Agricultural Fairs and Pulling Events." It proposed definitions, removing obsolete provisions and restructures provisions for clarity. It proposed revisions to update and facilitate the administration and enforcement of laws governing agricultural fairs and pulling events.

Committee Amendment "A" (H-825) proposed minor language changes for clarity, correcting a cross-reference, and revising a provision relating to premiums paid on male animals.

House Amendment "A" (H-928) proposed a correction to the definition and use of the term "event." This amendment also proposed allowing agricultural fair licensees that held an extended meet in 2005 to qualify for distribution from the fund to supplement harness racing purses based on the total number of

race dashes conducted. (See the bill summary for LD 2042. LD 2042 proposed the same language as this amendment and was enacted as emergency legislation)

Enacted law summary

Public Law 2005, chapter 563 repeals the Maine Revised Statutes, Title 7, chapter 3, "County and Local Societies," and replaces it with chapter 4, "Agricultural Fairs and Pulling Events." It enacts definitions for this chapter and deletes provisions relating to the Maine State Pomological Society and poultry associations. It establishes the Fair Fund and clarifies provisions for deposit into and distribution from the fund. It requires a fair to be licensed to be eligible to receive a distribution from the Stipend Fund or the Fair Fund. It removes language relating to the licensing of exhibitions that are not agricultural fairs. It amends the provision for requesting a change in fair dates to require a petition to be received a minimum of 90 days prior to the first assigned date. It allows premiums paid on pony pulling and tractor and truck pulling to be included when determining distribution from the Stipend Fund or the Fair Fund. It revises a provision relating to premiums paid on male animals, making a fair licensee ineligible for a stipend if that licensee offers or pays premiums on unaltered male animals over 6 months of age that are not recorded in the books of record for their breed. It restructures and updates other provisions regarding the licensing of agricultural fairs and distribution of funds to the fairs. It restructures and makes technical changes to the laws governing animal pulling events.

LD 2015 **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands** **RESOLVE 197**

Sponsor(s)	Committee Report		Amendments Adopted
TARDY	OTP-AM	A	H-1000 TRAHAN
NUTTING J	OTP-AM	B	H-991
	ONTP	C	S-612 MARTIN

LD 2015 proposed authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to convey certain property owned by the State and located in Aroostook, Cumberland, Franklin, Penobscot, Piscataquis and Washington counties.

Committee Amendment "A" (H-991) proposed the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed removing sections 1 to 8 from the resolve. The transactions proposed for authorization in Sections 2 through 8 of the bill were included in a separate committee bill. (See the bill summary for LD 2095) Section 1 of the original bill proposed authorizing the sale of 6 lots in Frenchtown, Township A, Range 13 WELS in Piscataquis County to persons who are not members of the First Roach Pond Leaseholders Coalition. This authorization was removed from LD 2015 and was not passed in any other legislation this session.

Committee Amendment "A" proposed retaining only Section 9 in the original bill, authorizing transfer of public lots in Aroostook, Franklin, Penobscot and Washington Counties. The proposal to transfer these public lots was part of a project referred to as the "Katahdin Lake Project" with the goal of acquiring land around Katahdin Lake for inclusion in Baxter State Park.

The committee amendment proposed excluding the eastern 143 acres in the Wyman Lot from the parcel in Franklin County authorized for transfer. It proposed making transfer of the public lots contingent on

certain other transactions, actions and assurances. It proposed certain actions by the Department of Conservation relating to public access for recreation in the Katahdin Region.

Committee Amendment "B" (H-992) proposed the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed removing sections 1 to 8 from the resolve. It proposed excluding the eastern 143 acres in the Wyman Lot from the parcel authorized for transfer. It did not propose additional contingencies or actions relating to ultimate ownership of land around and in the vicinity of Katahdin Lake or to recreational uses in the Katahdin Region.

House Amendment "A" to Committee Amendment "A" (H-1000) proposed requiring that the proceeds of the sale of land authorized in the Resolve be used by the Land for Maine's Future Board to purchase land that is of similar in value to the parcels conveyed by the State.

Senate Amendment "A" to Committee Amendment "A" (S-612) proposed requiring that for a limited time period the Township of Glenwood Plantation and the Town of LaGrange transmit an amount equal to the property tax collected on the former public lots within their boundaries to the Treasurer of State for deposit into the Organized Townships Fund to be expended in accordance with the purposes of the fund under the Maine Revised Statutes, Title 12, section 1854.

Enacted law summary

Resolve 2005, chapter 197 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey certain public lots located in Aroostook, Franklin, Penobscot, and Washington counties. It makes transfer of the public lots contingent on certain other transactions and assurances- including the transfer of approximately 4,040 acres in Township 3, Range 8 to the Baxter State Park Authority and the transfer of approximately 1,975 acres in Township 4, Range 8 to the Bureau of Parks and Lands. It specifies that the proceeds from the authorized sale of public lots in Penobscot County go towards purchasing the 1,975 acres in Township 4, Range 8. It requires the Bureau of Parks and Lands to construct and maintain a trail to Katahdin Lake from the east to connect with trails within Baxter State Park.

It requires the Department of Conservation to develop a comprehensive plan for increasing opportunities for snowmobiling in the Katahdin Region and for the Director of the Bureau of Parks and Lands within the Department of Conservation to convene a working group on acquisition of land for multiple uses. It requires the Land for Maine's Future Board to apply proceeds from the land sales in Aroostook, Franklin and Washington Counties to purchase land of a value similar to the parcels conveyed by the State.

Chapter 197 requires the Township of Glenwood Plantation and the Town of LaGrange to transmit an amount equal to the property tax collected on the public lots sold pursuant to Resolve 197 to the Treasurer of State, for deposit into the Organized Townships Fund.

LD 2042 **An Act To Amend the Harness Racing Laws Regarding Distributions from the Fund to Supplement Harness Racing Purses** **PUBLIC 576 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT MAREAN	OTP-AM	S-553

LD 2042 proposed making quarterly payments from the Fund to Supplement Harness Racing Purses rather than trimester payments and a system to adjust total annual payments based on the number of dashes actually conducted at a racetrack. It also proposed allowing disbursement from the fund to include dashes held at extended meets.

Committee Amendment "A" (S-553) proposed clarifying the provisions allowing dashes at extended meets to qualify for distribution from the Fund to Supplement Harness Racing Purses.

Enacted law summary

Public Law 2005, chapter 576 authorizes quarterly payments from the Fund to Supplement Harness Racing Purses rather than trimester payments. The first 3 quarterly payments are based on the number of race dashes assigned to a racetrack in proportion to the total number of dashes assigned to all racetracks. Payments in the 4th quarter are adjusted so that total distributions for the year reflect the actual number of dashes raced by a racetrack in proportion to the total actual dashes conducted by all racetracks.

Chapter 576 allows agricultural fair licensees that held an extended meet in 2005 to qualify for distribution from the fund to supplement harness racing purses based on the total number of race dashes conducted. The number of dashes at an extended meet that are counted in calculating distribution, however, may not exceed the number of dashes conducted at the extended meet in 2005.

Public Law 2005, chapter 576 was enacted as an emergency measure effective April 12, 2006.

LD 2065 **An Act To Implement Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Pesticide Registration** **PUBLIC 585**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-944

LD 2065 proposed the committee report of the Joint Standing Committee on Agriculture, Conservation and Forestry following review of the Board of Pesticides Control under the Government Evaluation Act. The bill proposed increasing the registration fee for pesticides from $125 to $150. Registration fees are deposited in a dedicated revenue account to support the board and its staff in meeting their statutory duties.

Committee Amendment "A" (H-944) proposed directing the Board of Pesticides Control within the Department of Agriculture, Food and Rural Resources to advertise and conduct collections of obsolete or illegal pesticides in May and October of 2007.

Enacted law summary

Public Law 2005, chapter 585 increases the registration fee for pesticides from $125 to $150. Registration fees are deposited in a dedicated revenue account to support the board and its staff in meeting their statutory duties. Chapter 585 also directs the Board of Pesticides Control within the Department of Agriculture, Food and Rural Resources to advertise and conduct collections of obsolete or illegal pesticides in May and October of 2007.

LD 2077 **An Act To Make Adjustments to the Allagash Wilderness Waterway** **PUBLIC 598**

Sponsor(s)	Committee Report		Amendments Adopted
MARTIN	OTP-AM	MAJ	S-559
JACKSON	ONTP	MIN	

LD 2077 proposed requiring the Department of Conservation, Bureau of Parks and Lands to submit any changes to the Allagash Wilderness Waterway Management Plan, as developed and implemented in 1999, to the Legislature for approval. This bill proposed designating the Henderson Brook Bridge as an approved watercourse crossing and recognizing the bridge as a vital link in the region, worthy of maintenance, repair and, if necessary, replacement. This bill proposed requiring the bureau to maintain certain campsites and access points as provided in the 1999 management plan.

Committee Amendment "A" (S-559) proposed listing in statute the locations of access points and permanent watercourse crossings within the Allagash Wilderness Waterway. The amendment proposed prohibitions on bridge construction at certain sites and extinguishing private rights for additional crossings. The amendment also proposed directing the Bureau of Parks and Lands to report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 15, 2007 on proposed changes to the 1999 plan and authorizing the committee to report out legislation. The amendment also proposed a 15-member commission to study the design for a replacement of the existing Henderson Brook Bridge within the Allagash Wilderness Waterway.

Enacted law summary

Public Law 2005, chapter 598 establishes in statute the locations of motor vehicle access points to the Allagash Wilderness Waterway, requires that there be 19 snowmobile access points to the watercourse and lists the 6 permanent watercourse crossings in the waterway. Chapter 598 prohibits any future construction of bridges at the sites of the former Bissonette Bridge and Schedule Brook Bridge. The Department of Conservation, Bureau of Parks and Lands is directed to identify any person claiming to have the right to construct or maintain a bridge at points within the waterway other than those specified in statute and to make all efforts to acquire those rights on behalf of the State, at which time those rights would be extinguished.

Chapter 598 includes legislative findings of fact that the Henderson Brook Bridge is a vital link to the Town of Allagash and the surrounding areas, providing access for timber harvesting operations, enhancing employment for the residents of the region and providing recreational activities. It directs the Bureau of Parks and Lands to submit its proposed amendments to the 1999 Allagash Wilderness Waterway management plan to the joint standing committee of the Legislature having jurisdiction over

agriculture, conservation and forestry matters by January 15, 2007 for review. The bureau may proceed with improvements proposed in the plan that were begun prior to the effective date of this Act, but may not begin any other improvements proposed in the plan until the committee completes its review. Following its review of the plan, the committee is authorized to report out a bill on any matter relating to the management of the Allagash Wilderness Waterway.

Chapter 598 also creates a 15-member commission to study the design for a replacement of the existing Henderson Brook Bridge within the Allagash Wilderness Waterway. The commission is required to submit a preliminary report to the Joint Standing Committee on Agriculture, Conservation and Forestry by November 1, 2006 and to submit its final report by January 15, 2007.

LD 2081 **An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Seed Potato Board** **P & S 67**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2081 proposed appropriating $30,000 to the Seed Potato Board for equipment needed at the Porter Seed Farm in Masardis. This bill originated in the Joint Standing Committee on Agriculture, Conservation and Forestry. It was referred to the Joint Standing Committee on Appropriations and Financial Affairs.

Enacted law summary

Private and Special Law 2005, chapter 67 appropriates $30,000 to the Seed Potato Board for equipment needed at the Porter Seed Farm in Masardis.

LD 2083 **An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation** **PUBLIC 550 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2083 proposed the committee report of the Joint Standing Committee on Agriculture, Conservation and Forestry following review of the Department of Conservation under the Government Evaluation Act. It proposed extending authorization for the Bureau of Forestry to study the feasibility of implementing an outcome-based forestry policy. It proposed requiring the Director of the Bureau of Parks and Lands within the Department of Conservation to review the bureau's rent structure for leasing submerged. This bill also proposed establishing the next review date for agencies reviewed by the Joint Standing Committee on Agriculture, Conservation and Forestry under the State Government Evaluation Act.

Enacted law summary

Public Law 2005, chapter 550 is the committee report of the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to the committee's review of the Department of Conservation under the Government Evaluation Act. It extends authorization for the Bureau of Forestry to study the feasibility of implementing an outcome-based forestry policy by changing the statutory repeal date for these provisions from July 1, 2006 to July 1, 2007. It requires the Director of the Bureau of Forestry to report to the joint standing committee of the Legislature having jurisdiction over forestry matters by January 2, 2007 with a recommendation regarding continuing authorization for outcome-based forestry. It authorizes the committee to report out legislation to the 123rd Legislature.

Chapter 550 requires the Director of the Bureau of Parks and Lands within the Department of Conservation to review the bureau's rent structure for leasing submerged lands and to report back to the joint standing committee of the Legislature having jurisdiction over public lands by January 2, 2007.

Public Law 2005, chapter 550 was enacted as an emergency measure effective April 6, 2006.

LD 2095 **Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands** **RESOLVE 193**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	H-967 PIOTTI

LD 2095 proposed authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to convey certain properties.

House Amendment "A" (H-967) proposed clarifying who will be receiving the right-of-way easement in Brownville.

Enacted law summary

Resolve 2005, chapter 193 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey certain properties. The transactions authorized were originally included in LD 2015. Several relate to properties abutting recreational trails.

LD 2107 **An Act To Establish a Food Policy for Maine** **PUBLIC 614**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	S-629 NUTTING J

LD 2107 proposed establishing the Maine Food Policy Council and charging the council with developing and implementing a strategic plan to support a food supply system for Maine. This bill was submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Public Law 2005, chapter 382, Part C, section 6.

Senate Amendment "B" (S-629) proposed changing the memberships of the council to have 4 Legislators serve on the Maine Food Policy Council during its initial year only.

Enacted law summary

Public Law 2005, chapter 614 establishes the Maine Food Policy Council and charges the council with developing and implementing a strategic plan to support a food supply system for Maine. The council is directed to build on the report of the food policy working group convened by the Commissioner of Agriculture, Food and Rural Resources in 2005. It also moves 2 sections in the Maine Revised Statutes, Title 7 relating to food policy into the new subchapter on food policy.

LD 42 **An Act To Expand the Maine Economic Improvement Fund** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	OTP-AM MAJ	H-281
MARTIN	ONTP MIN	

LD 42 proposed appropriations providing $2,000,000 annually to the Maine Economic Improvement Fund within the University of Maine System.

Committee Amendment "A" (H-281) proposed to reduce the appropriation from $2,000,000 each year to $1,000,000 each year.

(Note: 2005 Public Law, chapter 519, Part A provided a one-time appropriation of $600,000 in fiscal year 2006-07 for the commercialization of research and development activity and one-time funding for the Gulf of Maine Ocean Observing System.)

LD 78 **An Act To Fund the Acquisition of Land by the Land for Maine's Future Board from the General Fund** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CURLEY	ONTP	
BARTLETT		

LD 78 proposed a General Fund appropriation to the Land for Maine's Future Board of $20,000,000 in fiscal years 2005-06 and 2006-07 for the acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation.

LD 119 **An Act To Promote Math and Science Education Learning Kindergarten to Grade 12** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN	OTP-AM	H-204
SCHNEIDER		

LD 119 proposed ongoing appropriations of $2,500,000 in each year of the biennium to increase graduate fellowships within the University of Maine System that are geared toward science and math education.

Committee Amendment "A" (H-204) proposed to reduce the appropriation to $1,000,000 in each year of the biennium for graduate fellowships within the University of Maine System that are geared toward science and math education.

LD 123 **An Act Concerning Multiple-item Bond Issues** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report		Amendments Adopted
CLOUGH	ONTP	MAJ	
NASS R	OTP	MIN	

LD 123 proposed the Secretary of State prepare a ballot for a bond issue in such a way that if there were multiple, unrelated items, a voter would vote on unrelated items individually.

Committee Amendment "A" (H-1064) proposed to incorporate a fiscal note.

LD 149 **An Act To Authorize a General Fund Bond Issue in the Amount of $5,000,000 for the Fractionation Development Center** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	ONTP	
PATRICK		

LD 149 proposed a General Fund bond issue in the amount of $5,000,000 for the Fractionation Development Center to purchase the equipment necessary for the initiation of the pyrolysis/gasification pilot platforms and for the chemical/mechanical fractionation route or the acid hydrolysis fractionation route and for facility renovations and proposed a General Fund appropriation of $310,000 in fiscal year 2005-06 and $620,000 in fiscal year 2006-07 for the operating costs of the Fractionation Development Center.

LD 170 **An Act To Provide Funding for a Veterans' Cemetery in Springvale** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WHEELER	ONTP	
ANDREWS		

LD 170 proposed an appropriation of $500,000 in fiscal year 2005-06 for the State's share of the costs of constructing a veterans' cemetery in Springvale.

LD 180 **An Act To Appropriate State Funds To Protect Potato Farmland in Aroostook County from Blight and Other Diseases That Could Occur with the 2004 Crop Unless Cull Potatoes Are Dumped Properly** **P & S 59**

Sponsor(s)	Committee Report	Amendments Adopted
PARADIS	OTP-AM MAJ	H-206
MARTIN	ONTP MIN	S-678 ROTUNDO

LD 180 proposed a General Fund appropriation of $750,000 in fiscal year 2005-06 for the Maine Potato Board to purchase rotting potatoes in need of proper disposal.

Committee Amendment "A" (H-206) proposed to reduce the appropriation to $50,000 in fiscal year 2005-06 and eliminating the emergency preamble and emergency clause.

Senate Amendment "A" to Committee Amendment "A" (S-678) proposed to eliminate the appropriation in fiscal year 2005-06 and appropriates $5,000 in fiscal year 2006-07 to assist farmers who are in need of assistance with the disposal of rotting table stock potatoes.

Enacted law summary

Private and Special Law 2005, chapter 59 provides a $5,000 appropriation in fiscal year 2006-07 to the Maine Potato Board to assist farmers who are in need of assistance with the disposal of rotting stock potatoes.

LD 198 **An Act To Enhance the Role of the Fogler Library as the Research Library for the State of Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN	ONTP	
SCHNEIDER		

LD 198 proposed an appropriation of $1,500,000 each year to the University of Maine System's Fogler Library to develop and support a digital library.

LD 199 **An Act To Support and Expand Regional Teacher Development Centers** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON	OTP-AM	H-205
TURNER		

LD 199 proposed ongoing appropriations of $1,000,000 in each year of the biennium to support and expand the University of Maine System's Regional Teacher Development Centers.

Committee Amendment "A" (H-205) proposed to reduce the appropriation to $100,000 in each year of the biennium to support and expand the University of Maine System's Regional Teacher Development Centers.

LD 228 **An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education** **P & S 53**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE DUGAY	OTP	S-679 ROTUNDO

LD 228 proposed a General Fund appropriation of $15,000 in each year of the biennium to the Downeast Institute for Applied Marine Research and Education.

Senate Amendment "A" (S-679) proposed to eliminate the $15,000 General Fund appropriation for fiscal year 2005-06.

Enacted law summary

Private and Special Law 2005, chapter 53 provides an ongoing General Fund appropriation of $15,000 beginning in fiscal year 2006-07 to the Downeast Institute for Applied Marine Research and Education.

LD 248 **An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor** **P & S 55**

Sponsor(s)	Committee Report	Amendments Adopted
FINCH GAGNON	OTP	S-680 ROTUNDO

LD 248 proposed ongoing annual appropriations of $11,000 beginning in fiscal year 2005-06 for dues associated with the International Northeast Biotechnology Corridor as agreed upon at the September 2003 Conference of New England Governors and Eastern Canadian Premiers.

Senate Amendment "A" (S-680) proposed to eliminate the fiscal year 2005-06 appropriation.

Enacted law summary

Private and Special Law 2005, chapter 55 provides an appropriation of $11,000 in fiscal year 2006-07 to the Department of Economic and Community Development for dues associated with the International Northeast Biotechnology Corridor.

LD 263 **An Act To Support and Expand Nursing Education Opportunities at Maine's Public Universities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN PERRY A	ONTP	

LD 263 proposed ongoing General Fund appropriations beginning in fiscal year 2005-06 of $1,000,000 to increase the availability of education opportunities in nursing at Maine's public universities in order to address the shortage of nurses in the State.

(Note: 2005 Public Law, chapter 519, Part A provided an appropriation of $375,000 in fiscal year 2006-07 for this purpose.)

LD 273 **An Act Regarding the So-called Katie Beckett Benefits in the MaineCare Program** **PUBLIC 633**

Sponsor(s)	Committee Report	Amendments Adopted
BRENNAN EDMONDS	OTP-AM	S-647

LD 273 proposed repealing the provision of law authorizing the Department of Health and Human Services to apply for a waiver or amend a pending or current waiver in the MaineCare program to impose cost sharing for children receiving coverage under the so-called Katie Beckett provisions. These provisions proposed benefits to children with disabilities who receive services while residing at home. Premiums under the proposed cost sharing arrangement were associated with collection from families of $900,000 in the 2004-05 supplemental budget.

Committee Amendment "A" (S-647) proposed to require the Department of Health and Human Services to consult with stakeholders prior to implementing changes to the Katie Beckett waiver policy.

Enacted law summary

Public Law 2005, chapter 633 requires the Department of Health and Human Services to consult with stakeholders prior to implementing changes to the Katie Beckett waiver policy.

LD 274 **An Act To Raise the University of Maine System Debt Ceiling** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER MCKENNEY	ONTP	

LD 274 proposed increasing the tax-exempt borrowing authority for the University of Maine System from $170,000,000 to $220,000,000.

(Note: 2005 Public Law, chapter 386, Part U authorized the same increased amount.)

LD 292 **An Act To Establish a New Method of Determining the State Budget** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JOY	ONTP	

LD 292 proposed to shift the start of the fiscal biennium for the state budget from the first regular session of the Legislature to the second regular session of the Legislature, effective for the biennium that begins on July 1, 2008 and further proposed a one-year budget for the period beginning on July 1, 2007.

LD 404 **An Act To Ensure the State's Continued Commitment to Former Students Who Were Physically or Sexually Abused at the Governor Baxter School for the Deaf or the Maine School for the Deaf** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS BLISS	ONTP	

LD 404 proposed a General Fund appropriation of $8,400,000 in fiscal year 2005-06 to the Baxter Compensation Authority to provide cash awards to former students of the Governor Baxter School for the Deaf or the Maine School for the Deaf who were found to have suffered physical or sexual abuse.

(Note: Via 2005 Public Law, chapter 386, Part Z the Authority received a $1,000,000 appropriation in fiscal year 2005-06 and the authority to receive a transfer of $7,122,000 from available fiscal year 2004-05 unappropriated surplus of the General Fund for the purpose identified above. The transfer of $7,122,000 was made.)

LD 544 **An Act To Ensure Statewide Access for Schools and Libraries to On-line Reference Materials and Periodicals** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

LD 544 proposed an annual appropriation of $450,000 beginning in fiscal year 2005-06 to the Maine State Library to fund on-line reference materials to provide access to information from schools and libraries through statewide licensing of reference materials.

(Note: 2005 P & S Law, c. 57 appropriated $25,000 in fiscal year 2006-07 to the Maine State Library for the purpose stated above.)

LD 550 **An Act To Appropriate Matching Funds for the Construction of a Community Center in Oxford Hills** **P & S 58**

Sponsor(s)	Committee Report	Amendments Adopted
MILLETT	OTP-AM MAJ	H-1079
HASTINGS	ONTP MIN	

LD 550 proposed one-time funds to support the construction of a convention center in Oxford Hills to match approximately $250,000 in private funds that had already been pledged.

Committee Amendment "A" (H-1079) proposed to change the title of the bill, eliminating the emergency preamble and the emergency clause and appropriating $50,000 in fiscal year 2006-07 to the Department of Agriculture, Food and Rural Resources to provide a grant to the Oxford County Agricultural Society to support the construction of a community center on land owned by the association.

Enacted law summary

Private and Special Law 2005, chapter 58 provides a one-time appropriation of $50,000 in fiscal year 2006-07, to be matched by private funds of at least that amount, to the Department of Agriculture, Food and Rural Resources to provide a grant to the Oxford County Agricultural Society to support the construction of a community center on land owned by the association.

LD 586 **An Act To Authorize a General Bond Issue To Improve the Quality and Safety of Teaching and Science Laboratories** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	ONTP	
NORTON		

LD 586 proposed a General Fund bond issue in the amount of $50,000,000 to modernize and improve the teaching and science laboratories, libraries and general classrooms in the University of Maine System.

LD 588 **An Act To Restore Support for HIV and AIDS Treatment and Prevention** **INDEF PP**

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

LD 588 proposed a General Fund appropriation of $350,000 annually in fiscal years 2005-06 and 2006-07 for the Bureau of Health within the Department of Health and Human Services for HIV and AIDS treatment and prevention.

(Note: 2005 Public Law, chapter 519, Part BBB appropriated $52,231 for the purpose identified above.)

LD 622 **An Act To Provide Funding towards the Employment of a Demersal Finfish Ecologist by the Gulf of Maine Research Institute** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
KAELIN	OTP-AM	MAJ	H-230
	ONTP	MIN	

LD 622 proposed a $100,000 ongoing General Fund appropriation in each year of the biennium for the Department of Marine Resources to use to pay for its share of the costs of a demersal finfish ecologist to be employed by the Gulf of Maine Research Institute.

Committee Amendment "A" (H-230) proposed to reduce the General Fund appropriation to $75,000 in each year of the biennium for the Department of Marine Resources to use to pay for its share of the costs of a demersal finfish ecologist to be employed by the Gulf of Maine Research Institute and restricts funding to the 2006-2007 biennium only.

LD 636 **An Act To Authorize a General Fund Bond Issue To Construct a Freshwater Aquaculture and Freshwater Species Biotechnology Center** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FINCH	ONTP	
MARTIN		

LD 636 proposed a General Fund bond issue in the amount of $2,000,000 to construct a freshwater aquaculture and freshwater species biotechnology center.

LD 669 **An Act To Authorize a General Fund Bond Issue To Provide Infrastructure for Expanded Treatment Capacity for Alcoholism and Addiction in a Therapeutic Community Model** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN BROMLEY	ONTP	

LD 669 proposed a General Fund bond issue in the amount of $3,000,000 for the infrastructure for a therapeutic community for long-term residential treatment of alcoholism and drug addiction.

LD 755 **An Act To Authorize a General Fund Bond Issue for Fort Knox** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	ONTP	

LD 755 proposed a General Fund bond issue in the amount of $3,000,000 for the preservation of Fort Knox.

LD 756 **An Act To Authorize a General Fund Bond Issue To Revitalize Downtown Areas, Support Cultural Tourism and Expand Maine's Creative Economy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS RECTOR	ONTP	

LD 756 proposed a General Fund bond issue in the amount of $25,000,000 to revitalize downtown areas, support cultural tourism and expand Maine's creative economy.

LD 766 **An Act To Support the New Century Community Program** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
KAELIN WESTON	OTP-AM	H-227

LD 766 proposed an appropriation of $4,500,000 in fiscal year 2006-07 for the New Century Community Program.

Committee Amendment "A" (H-227) proposed an appropriation of $1,000,000 in fiscal year 2006-07 to the program identified above.

(Note: 2005 Public Law, chapter 519, Part A provided an appropriation of $400,000 in fiscal year 2006-07 to the program identified above.)

LD 775 **An Act To Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
TRAHAN COWGER	OTP-AM	H-228

LD 775 proposed General Fund appropriations of $1,800,000 in each year of the biennium to provide the state match over a 2-year period for $18,000,000 in federal funds dedicated to the safe drinking water revolving loan fund for the purpose of funding infrastructure improvements by public water systems as necessary to comply with the federal Safe Drinking Water Act of 1996.

Committee Amendment "A" (H-228) proposed a reduction to the General Fund appropriation from $1,800,000 to $1,000,000 for fiscal years 2005-06 and 2006-07.

LD 787 **An Act To Authorize a General Fund Bond Issue for the Enhanced Development of Public Geographic Information** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN COWGER	ONTP	

LD 787 proposed a General Fund bond issue in the amount of $6,000,000 for the enhanced development of public geographic information through the Maine Library of Geographic Information for digitizing town parcel maps, for complete orthoimagery, for orthoimagery updates, for digitizing zoning and conservation and open space, for land cover and land use updates, for development of tracking applications, for data validation tools and for generic browser and viewer library portal upgrades.

LD 794 **An Act To Authorize a General Fund Bond Issue To Allow Municipalities To Purchase Fishing Rights and Equipment** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING DUDLEY	ONTP	

LD 794 proposed a General Fund bond issue in the amount of $5,000,000 to assist municipalities in the purchase of fishing rights and equipment.

LD 799 **An Act To Authorize a General Fund Bond Issue To Create a Holocaust Human Rights Center at the University of Maine at Augusta** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL LERMAN	ONTP	

LD 799 proposed a General Fund bond issue in the amount of $1,000,000 to construct and establish a Holocaust Human Rights Center at the University of Maine at Augusta.

LD 808 **An Act To Provide Funding for "Camp To Belong" To Reunite Siblings Separated by Foster Care** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
MOODY	OTP-AM	H-229

LD 808 proposed General Fund appropriations of $20,000 in each year of the biennium for the Department of Health and Human Services to provide grant funds to Camp To Belong for programs to reunite siblings separated by foster care to bring the siblings together for summer reunions and other recreation activities. It was proposed that the funds be matched by funds raised in the private sector.

Committee Amendment "A" (H-229) proposed to reduce the General Fund appropriation in fiscal year 2005-06 to $10,000 for the Department of Health and Human Services to provide a grant to Camp To Belong and to eliminate the appropriation in fiscal year 2006-07.

LD 819 **An Act To Authorize a General Fund Bond Issue To Expand Maine's Ocean-based Economy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS ASH	ONTP	

LD 819 proposed a General Fund bond issue in the amount of $51,000,000 to expand the State's ocean-based economy.

LD 844 **An Act To Authorize a General Fund Bond Issue to Stimulate Maine's Economy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY RECTOR	ONTP	

LD 844 proposed a General Fund bond issue in the amount of $120,000,000 to stimulate economic development in the state through investments in research and development, municipal infrastructure and affordable housing and direct business support in the State as follows:

1. The sum of $15,000,000 to create jobs and reduce property taxes by providing grants and loans to municipalities for public facilities and infrastructure;

2. The sum of $10,000,000 for medical research and development by Maine-based biomedical research institutions;

3. The sum of $5,000,000 to support the State's applied development technology centers;

4. The sum of $22,000,000 to partner with the marine biotechnology industry to undertake marine biotechnology research;

5. The sum of $6,000,000 to provide access to capital for small businesses that demonstrate potential for high growth and public benefit;

6. The sum of $25,000,000 to provide direct support to businesses in the State;

7. The sum of $12,000,000 for affordable housing; and

8. The sum of $25,000,000 for University of Maine research and development activities.

LD 876 **An Act Authorizing a General Fund Bond Issue To Encourage Development of Maine's Traditional Industries** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE RAYE	ONTP	

LD 876 proposed a General Fund bond issue in the amount of $2,000,000 for funding the Farms for the Future Program and to establish and fund a new Fisheries for the Future Program, which would include encouraging and helping people who fish commercially to join and start new fisheries projects, including hatcheries, cooperative waterfront access space, aquaculture and expansion of traditional industries.

LD 890 **An Act To Authorize a General Fund Bond Issue for Certain State Parks** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	ONTP	

LD 890 proposed a General Fund bond issue in the amount of $8,000,000 to finance improvement, upkeep and proper management of those state parks on the critical list produced by the Department of Conservation, Bureau of Parks and Lands.

LD 891 **An Act To Authorize a General Fund Bond Issue To Fight Global Warming through Energy Conservation** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

LD 891 proposed a General Fund bond issue in the amount of $100,000,000 to fight global warming through energy conservation.

LD 926 **An Act Authorizing a General Fund Bond Issue To Preserve Maine's Traditional Working Waterfront and Farming Economies by Ensuring Access to Working Waterfront and Farmland** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY MILLS P	ONTP	

LD 926 proposed a General Fund bond issue in the amount of $30,000,000 for funding the Working Farm Access Program to help farmers gain access to farmland at a more affordable cost and to establish the Working Waterfront Access Program to help people who fish commercially gain or maintain access to the working waterfront.

LD 969 **An Act To Authorize a General Fund Bond Issue To Provide Funds To Support Economic Development** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	ONTP	
ROSEN R		

LD 969 proposed a General Fund bond issue in the amount of $5,000,000 to provide additional capital for the Small Enterprise Growth Fund administered by the Finance Authority of Maine, which provides access to capital for small businesses that demonstrate potential for high growth and public benefit.

LD 971 **An Act To Authorize a General Fund Bond Issue for Shared-use Trails** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	
DAMON		

LD 971 proposed a General Fund bond issue in the amount of $10,000,000 to develop shared-use trails across Maine.

LD 975 **An Act To Create Entrepreneurship Internships for Maine High School and College Students** **DIED ON ADJOURNMENT**

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

LD 975 proposed ongoing General Fund appropriations of $80,000 in each year of the biennium to create an entrepreneurship internship program for Maine high school and college students to be administered by the Foundation for Blood Research.

LD 997 **An Act To Authorize a General Fund Bond Issue To Match Available Federal Funds To Repair and Upgrade Maine National Guard Armories** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GAGNON PATRICK	ONTP	

LD 997 proposed a General Fund bond issue in the amount of $1,000,000 to repair, upgrade and construct Maine National Guard armories and facilities. State funds to be spent on repair were to leverage federal funds at a one-to-one ratio. State funds to be spent on construction were to leverage federal funds at a one-to-three ratio.

LD 999 **An Act To Authorize a General Fund Bond Issue To Provide Funds for Building Renovations at Campuses of the University of Maine System, the University of Southern Maine and the Maine Community College System** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER FISCHER	ONTP	

LD 999 proposed a General Fund bond issue in the amount of $12,000,000 to make building renovations at all campuses of the University of Maine System and the Maine Community College System and to improve and expand the facilities of the Osher Lifelong Learning Institute at the University of Southern Maine. The Osher Foundation had offered to provide $4,000,000 in private funds to match $2,000,000 in state funds.

LD 1000 **An Act Authorizing a General Fund Bond Issue for Wastewater Treatment Systems for Fish Hatcheries** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	ONTP	

LD 1000 proposed a General Fund bond issue in the amount of $7,000,000 to purchase wastewater treatment systems for fish hatcheries.

LD 1001	**An Act To Authorize a General Fund Bond Issue To Construct and Upgrade Water Pollution Control Facilities and Public Water Systems, Clean Up Uncontrolled Hazardous Substance Sites, Remove Hazardous Materials from Schools, Comply with Federal Storm Water Regulations, Make Public Water System Improvements, Replace Air Quality Monitoring Equipment, Establish Hospice Services, Repair State-owned Dams and Remediate Lead Paint**	**DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
COWGER	JT RULE 309	

LD 1001 proposed a General Fund bond issue in the amount of $17,500,000 to be used for the following purposes:

1. The sum of $6,600,000 to construct and upgrade water pollution control facilities, providing the state match for $13,000,000 in federal funds;

2. The sum of $2,950,000 to clean up uncontrolled hazardous substance sites and landfills, providing the state match for $2,000,000 in federal funds;

3. The sum of $1,000,000 to remove hazardous materials from schools;

4. The sum of $300,000 to match local money and assist municipalities in complying with new federal storm water regulations;

5. The sum of $150,000 to replace air quality monitoring equipment to inform the public of air quality emergencies;

6. The sum of $3,500,000 to support public water system improvements that address public health threats, providing the state match for $17,500,000 in federal funds;

7. The sum of $1,000,000 to build new hospices and establish hospice services statewide;

8. The sum of $1,000,000 to address safety hazards by repairing state-owned dams; and

9. The sum of $1,000,000 to remediate lead paint in low-income households.

The President of the Senate and the Speaker of the House, citing Joint Rule 309, took possession of the bill on May 23, 2006 and directed the bill be delivered to the Secretary of the Senate.

LD 1020 **An Act To Authorize a General Fund Bond Issue To Stimulate Economic Growth and Job Creation through Investments in the Maine Economy** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N	JT RULE 309	

LD 1020 does the following:

Part A of this bill proposed a General Fund bond issue in the amount of $78,850,000 to be used to stimulate economic growth and job creation through investments in the Maine economy as follows:

1. The sum of $22,000,000 for medical research and development by Maine-based biomedical research institutions in anticipation of approximately $100,000,000 in federal and private funds for health research to cure disease and to retain Maine graduates by providing high-quality Maine jobs;

2. The sum of $850,000 to purchase the property known as Black Duck Cove on Great Wass Island to serve as the home of the Downeast Institute for Applied Marine Research and Education;

3. The sum of $9,000,000 for marine research and development in anticipation of $9,000,000 in federal and private funding for competitive capital infrastructure grants to sustain and develop Maine's marine-based economy;

4. The sum of $5,000,000 for forestry and agricultural research and development in anticipation of $5,000,000 in federal and private funding for competitive grants to sustain Maine's forestry and agricultural economy;

5. The sum of $2,000,000 for the Small Enterprise Growth Fund for equity investments in small Maine companies with potential for high growth to leverage private equity investments;

6. The sum of $5,000,000 for the New Century Community Program for capital improvements to cultural resources;

7. The sum of $1,000,000 for sustainable water sources and irrigation system development to leverage private funds of at least $800,000;

8. The sum of $1,000,000 to replenish the Agricultural Marketing Loan Fund to support farm business development, to leverage private funds of at least $600,000;

9. The sum of $3,000,000 for grants through Working Waterfronts Conservation Program to leverage $3,000,000 in matching funds;

10. The sum of $5,000,000 to furnish and outfit the new bioscience building at the University of Southern Maine with laboratories and equipment to leverage $1,200,000 in federal funds;

11. The sum of $6,000,000 to build the University of Maine cold water aquaculture marine science facility to leverage approximately $10,000,000 in federal funds;

12. The sum of $4,000,000 to outfit the Laboratory for Surface Science Technology clean room facility at the University of Maine with state-of-the-art 1anofabrication tools and instrumentation to leverage $4,000,000 in federal grants and contracts for research;

13. The sum of $3,000,000 to renovate Camden Hall on the University of Maine-Bangor campus for a graduate school for biomedical science;

14. The sum of $2,000,000 for capital costs and equipment for the career center facility at the University of Southern Maine's Lewiston-Auburn College;

15. The sum of $1,000,000 for education loan repayment incentives through the Finance Authority of Maine to retain and recruit skilled workers in Maine;

16. The sum of $3,000,000 for recapitalization of the Economic Recovery Program through the Finance Authority of Maine;

17. The sum of $1,000,000 for the development of the Sunrise Business and Career Center in the Town of Jonesboro;

18. The sum of $4,000,000 to provide funds for the development of affordable workforce housing and downtown housing and for weatherization and home repair in anticipation of an additional $9,000,000 in other public and private funding; and

19. The sum of $1,000,000 for family and elderly housing options for Native American tribes through the Four Directions Development Corporation to help attract $1,000,000 in federal funds.

Part B of this bill proposed establishment of a grant program for the acquisition of real estate that constitutes working waterfront in coastal harbors.

Part C of this bill proposed reorganizing the laws governing the Agricultural Marketing Loan Fund.

Part D of this bill proposed establishing the Maine Recruitment and Retention Program within the Finance Authority of Maine to provide repayment of educational loans of individuals who have a bachelor's degree and work in Maine for 4 years.

The President of the Senate and the Speaker of the House, citing Joint Rule 309, took possession of the bill on May 23, 2006 and directed the bill be delivered to the Clerk of the House.

LD 1035 **An Act To Authorize a General Fund Bond Issue To Provide Funds for the Land for Maine's Future Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER BRYANT B	ONTP	

LD 1035 proposed a General Fund bond issue in the amount of $50,000,000 to recapitalize the Land for Maine's Future program to continue the State's land conservation efforts, to be matched by at least

$25,000,000 in private and public funds. In addition, the bill proposed to amend the land acquisition priorities of the Land for Maine's Future program to include service center communities.

LD 1043 **An Act To Provide Funds for Online Reference Materials** **P & S 57**

Sponsor(s)	Committee Report		Amendments Adopted
EDMONDS	OTP	MAJ	S-691 ROTUNDO
	ONTP	MIN	

LD 1043 proposed a General Fund appropriation of $72,556 in fiscal year 2005-06 and $114,410 in fiscal year 2006-07 for a digital records management analyst position within the Department of the Secretary of State, Maine State Archives, beginning October 1, 2005 to provide technical and professional leadership and management for the preservation of the State's permanently valuable digital records.

Senate Amendment "A" (S-691) proposed to eliminate the appropriation for fiscal year 2005-06, reduce the appropriation for fiscal year 2006-07 to $25,000 and amend the initiative to reflect that the appropriation is for the Maine State Library to fund online reference materials to provide access to information from schools and libraries through statewide licensing of reference materials.

Enacted law summary

Private and Special Law 2005, chapter 57 provides an appropriation of $25,000 in fiscal year 2006-07 to the Maine State Library to fund online reference materials to provide access to information from schools and libraries through statewide licensing of reference materials.

LD 1234 **An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources** **PUBLIC 641**

Sponsor(s)	Committee Report	Amendments Adopted
KAELIN	OTP-AM	H-218
WESTON		S-683 ROTUNDO

LD 1234 proposed reestablishing the Maine Coast Environmental Trust Fund in the Department of Marine Resources to protect and improve the quality of the State's marine environment by providing grants to qualifying organizations. This bill proposed the department develop a competitive grant program, including qualifications and application procedures, and report back to the Second Regular Session of the 122nd Legislature with the department's recommendations.

The bill proposed a start-up appropriation of $52,300 in fiscal year 2005-06 for the competitive grant program and to restore the clam flats in Stockton Harbor.

Committee Amendment "A" (H-218) proposed the following.

1. Clarify that the Maine Coast Environmental Trust Fund is an Other Special Revenue Funds account within the Department of Marine Resources.

2. Authorize that the fund be allowed to accept appropriations and transfers by the Legislature.

3. Authorize a transfer of unappropriated General Fund surplus to the account and provides necessary Other Special Revenue Funds allocations for the account.

4. Specify the amount of the allocation for the restoration of the clam flats in Stockton Harbor is $40,000 in fiscal year 2005-06 only, the allocation for the competitive grants program in fiscal year 2005-06 is $12,300 and proposed a minimum allocation for the competitive grants program in fiscal year 2006-07 of $500

Senate Amendment "A" to Committee Amendment "A" (S-683) proposed to eliminate the requirement that the Department of Marine Resources develop a competitive grant program for improvement and protection of the State's marine environment and the funding for that program. This amendment also proposed the General Fund transfer and corresponding allocation for the restoration of the clam flats in Stockton Harbor be $25,000 in fiscal year 2006-07.

Enacted law summary

Public Law 2005, chapter 641 reestablishes the Maine Coast Environmental Trust Fund in the Department of Marine Resources; allows the fund to accept appropriations and transfers authorized by the Legislature; authorizes a transfer of $25,000 from the unappropriated General Fund surplus to the account and provides an Other Special Revenue Funds allocation in fiscal year 2006-07 for the account for the restoration of the clam flats in Stockton Harbor.

LD 1278 **An Act Requiring Long-range Budget Planning** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY MARTIN	ONTP	

LD 1278 proposed the State Budget Officer prepare a forecast of revenues and expenditures for the 3 biennia immediately following the current biennium and requires the Governor to use the forecast to develop a long-range budget plan and submit the plan to the Legislature along with the regular biennial budget.

LD 1293 **An Act To Assist Families and Children by Increasing Access to the Court System** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM MAJ	H-196
HOBBINS	ONTP MIN	

LD 1293 proposed General Fund appropriations of $154,664 in fiscal year 2005-06 and $147,943 in fiscal year 2006-07and Federal Expenditures Fund allocations of $300,230 in fiscal year 2005-06 and $287,183

in fiscal year 2006-07 to the Judicial Department to provide funds for 2 family case management officers, 2 assistant clerks and 2 security officers to reduce the backlog of cases in counties with larger populations.

Committee Amendment "A" (H-196) proposed to remove the emergency preamble and the emergency clause from the bill, proposed the positions be used where the need is most acute and proposed the personal services appropriations and allocations be amended to reflect an estimated start date of October 1, 2005.

LD 1311 **An Act To Preserve the Integrity of the Fund for a Healthy Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	ONTP	

LD 1311 proposed that in certain circumstances allocations from the Fund for a Healthy Maine be voted on in separate legislation.

LD 1330 **Resolve, To Lower the Cost of State Government by $1,000,000 Annually** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
NUTTING J	ONTP	MAJ	S-636
	OTP-AM	MIN	

LD 1330 proposed to reduce state spending by approximately $1,000,000 annually, commencing with fiscal year 2006-07. This resolve proposed that the Governor identify and recommend for elimination to the Joint Standing Committee on Appropriations and Financial Affairs 8 politically appointed positions in State Government.

Committee Amendment "A" (S-636) is the minority report and it proposed to eliminate reference to a specific number of positions to be eliminated, specified that spending be reduced by $1,000,000 annually and changed the reporting date to October 1, 2006.

LD 1348 **An Act To Increase Funding for Meals on Wheels Program** **P & S 64 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL	OTP-AM	H-279
NASS R		S-684 ROTUNDO

LD 1348 proposed a General Fund appropriation of $100,000 in fiscal yeas 2005-06 and 2006-07 to reimburse volunteers of meals on wheels programs for travel expenses.

Committee Amendment "A" (H-279) clarified the use and recipient of the appropriation.

Senate Amendment "A" to Committee Amendment "A" (S-684) added an emergency preamble to the bill, proposed the appropriation for fiscal year 2005-06 be reduced to $75,000 and eliminated the General Fund appropriation for fiscal year 2006-07.

Enacted law summary

Private and Special Law 2005, chapter 64 provides an appropriation of $75,000 in fiscal year 2005-06 to supplement funding for mileage reimbursement to volunteers of meals on wheels program. Unexpended funds must be carried forward.

Private and Special Law 2005, chapter 64 was enacted as an emergency measure effective June 1, 2006.

LD 1540 **An Act To Appropriate Funds for the School Breakfast Program** **P & S 56**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	OTP-AM	S-195
CUMMINGS		S-667 ROTUNDO

LD 1540 proposed a General Fund appropriation of $103,000 in fiscal year 2005-06 and $107,000 in fiscal year 2006-07 for the school breakfast program.

Committee Amendment "A" (S-195) proposed that the appropriation of funds for the school breakfast program be for the 2006-2007 biennium only.

Senate Amendment "A" to Committee Amendment "A" (S-667) proposed to eliminate of the appropriation in fiscal year 2005-06 and proposed the appropriation for fiscal year 2006-07 be reduced to $25,000.

Enacted law summary

Private and Special Law 2005, chapter 56 provides a one-time appropriation of $25,000 in fiscal year 2006-07 for the school breakfast program.

LD 1703 **An Act To Provide Supplemental Funding for Mileage Reimbursement for Volunteers for the Meals on Wheels Programs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL	ONTP	
COURTNEY		

LD 1703 proposed an increased appropriation of $100,000 beginning in fiscal year 2005-06 to supplement funding for the mileage reimbursement for volunteers for meals on wheels programs.

LD 1737 **An Act To Provide Funding for the Construction of a Regional Career Center** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND TARDY	ONTP	

LD 1737 proposed a one-time appropriation of $780,000 in fiscal year 2006-07 to the Spurwink School for the construction of a regional career vocational center in the Town of Casco to provide career training and services, including technical training, job placement and transitional services, to teens and adults who are 20 years of age and younger.

LD 1891 **An Act To Provide Funding for the Low Income Home Energy Assistance Program** **P & S 29 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON J EDMONDS		

LD 1891 proposed a $5,000,000 General Fund appropriation to the Maine State Housing Authority for the Low Income Home Energy Assistance Program and specified that the funds may be used only for fuel purchases. The bill was not referred to a committee and was adopted as originally proposed and enacted as 2005 P & S, c. 29.

Enacted law summary

Private and Special 2005, chapter 29 provides a $5,000,000 General Fund appropriation to the Maine State Housing Authority for the Low Income Home Energy Assistance Program and specifies that the funds may be used only for fuel purchases.

Private and Special 2005, chapter 29 was enacted as an emergency measure effective January 5, 2006.

LD 1905 **An Act To Conserve Energy in Maine Homes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	ONTP	

LD 1905 proposed to establish the Weatherization Assistance Program to be administered by the Maine State Housing Authority to provide funds or materials to eligible households to improve the energy efficiency of the homes of those eligible households. The program was to be funded by an annual allocation of $7,500,000 of the funds from the real estate transfer tax that are transferred to the Maine State Housing Authority. This bill further proposed to strike current law that requires the $7,500,000 to go to the General Fund in fiscal year 2006-07.

LD 1909 **An Act To Make Minor Technical Changes to Maine's Spending Growth Benchmarks** **PUBLIC 621**

Sponsor(s)	Committee Report		Amendments Adopted
WOODBURY	OTP-AM	MAJ	H-1063
	ONTP	MIN	

LD 1909 proposed certain technical and clarifying changes to the state, county and municipal spending limitations enacted in 2005, including:

1. Clarification of the definition of “baseline General Fund revenue” and the treatment of education funding increases until the state share of education funding reaches 55%;

2. Provides consistency in the use of the term “appropriation limitation”;

3. Provides language describing the transfer of amounts to reserve accounts;

4. Specifies that the calculation of county and municipal limitations adjustments are calculated by multiplying the prior year's limit by one plus the growth limitation factor (see note below);

5. Establishes the Director of the State Planning Office within the Executive Department as the person determining “average real personal income growth” and the annual date for that determination for purposes of determining various limitations;

6. Provides that adjustments to county and municipal limitations be available for decreases in state funding as well as increases; and

7. Provides that municipal limitations do not need to be adjusted for changes in state reimbursement under the Urban-Rural Initiative Program if those changes are the result of operation of the statutory formulas under that program.

Committee Amendment “A” (H-1063) proposed to amend section 4 of the bill to include changes made to the Maine Revised Statutes, Title 5, section 1535 by Public Law 2005, chapter 519; proposed to remove section 5 of the bill because that section was rendered unnecessary by Public Law 2005, chapter 519; proposed to remove section 10 of the bill, amending the county spending limitations provisions; and proposed to amend section 15 to provide that municipal spending limitations do not need to be adjusted for changes in state reimbursement for urban-rural road assistance expenses if those changes are the result of the operation of the statutory formula for that program.

(Note: 2 references to the calculation of county and municipal limitations specifying that adjustments are calculated by multiplying the prior year’s limit by one plus the growth limitation factor were inadvertently omitted in the Committee Amendment. An amendment to LD 2055, An Act To Correct Errors and Inconsistencies in the Laws of Maine, was proposed to correct the omission.)

Enacted law summary

Public Law 2005, chapter 621 makes the following technical and clarifying changes to the state, county and municipal spending limitations enacted in 2005.

1. The bill clarifies the definition of "baseline General Fund revenue" and the treatment of education funding increases until the state share of education funding reaches 55%.

2. It provides consistency in the use of the term "appropriation limitation."

3. It corrects language describing the transfer of amounts to reserve accounts.

4. It corrects several references to the calculation of county and municipal limitations by specifying that adjustments are calculated by multiplying the prior year's limit by one plus the growth limitation factor (see note below).

5. It establishes the Director of the State Planning Office within the Executive Department as the person determining "average real personal income growth" and the annual date for that determination for purposes of determining various limitations.

6. It clarifies that municipal limitations do not need to be adjusted for changes in state reimbursement under the Urban-Rural Initiative Program if the change is the result of operation of the statutory formulas under that program.

(Note: 2 references to the calculation of county and municipal limitations specifying that adjustments are calculated by multiplying the prior year's limit by one plus the growth limitation factor were inadvertently omitted in the Committee Amendment. LD 2055, PL 2005, c. 683, Part I, An Act To Correct Errors and Inconsistencies in the Laws of Maine, corrects the omissions.)

LD 1911 **An Act To Provide Funding for Tribal Economic Development for the Penobscot Indian Nation and Other Federally Recognized Tribes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SOCKALEXIS	ONTP	

LD 1911 proposed to appropriate funds for the Department of Economic and Community Development to provide $250,000 annually beginning in fiscal year 2005-06 to the Penobscot Indian Nation and $750,000 annually beginning in fiscal year 2005-06 to other federally recognized tribes for economic development. These funds were to assist the nation and tribes with feasibility studies, implementation of economic projects, matching funds and economic development planning activities.

LD 1915 **An Act To Increase Supervision of Red Tide on the Maine Coast** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	ONTP	

LD 1915 proposed General Fund appropriations of $38,444 in fiscal year 2005-06 and $124,681 in fiscal year 2006-07 to establish 4 additional seasonal Conservation Aide Intern positions for the periods April 1, 2006 to September 30, 2006 and from April 1, 2007 to September 30, 2007 to be used for water monitoring purposes.

(Note: 2005 Public Law, chapter 519, Part A provided appropriations of $92,002 in fiscal year 2005-06 and $246,171 in fiscal year 2006-07 and created 7 seasonal Conservation Aide positions to the program identified above.)

LD 1940 **An Act To Provide an Energy Emergency Relief Fund To Provide Assistance for Home Heating Fuel Costs for Residents of This State, for Gasoline Costs for Service Providers and for Heating Fuel for Health Care Services Providers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
LERMAN	ONTP	

LD 1940 proposed a $5,000,000 General Fund appropriation in fiscal year 2005-06 to supplement low-income home heating fuel programs, to supplement mileage reimbursement for service providers, including, but not limited to, those in the meals on wheels program and to supplement reimbursement for heating fuel for health care services providers, including, but not limited to, nursing homes, residential care facilities and community-based residential services providers.

LD 1941 **An Act To Provide Funding for the Maine Clean Election Fund** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 1941 proposed the transfer of $2,000,000 from the General Fund to the Maine Clean Election Fund no later than July 31, 2006 to assure gubernatorial and legislative candidates sufficient funding in the 2006 elections.

(Note: 2005 Public Law, chapter 519, Part KK authorized a transfer of $1,200,000 from the undedicated revenue of the General Fund to the Maine Clean Election Fund.)

LD 1946 **An Act To Ensure the Continued Ability of the Maine Economic Growth Council To Produce the Measures of Growth Report and Provide Financial Assistance for Flood Damage** **P & S 66 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP	H-1114 BRANNIGAN
RECTOR		S-693 ROTUNDO

LD 1946 proposed a one-time appropriation of $100,000 in fiscal year 2006-07 for the Maine Economic Growth Council in order to continue to produce the Measures of Growth report.

Senate Amendment "A" (S-693) proposed to reduce the appropriation to the Maine Economic Growth Council to $20,000 in fiscal year 2006-07; proposed an appropriation of $880,000 in fiscal year 2006-07 to the Maine Emergency Preparedness Agency to assist certain municipalities that suffered flood damage that occurred in spring 2005; proposed a deappropriation of $400,000 in fiscal year 2005-06 from the Baxter Compensation Authority; and a deappropriation of $250,000 in fiscal year 2005-06 from the Gambling Control Board.

House Amendment "A" to Senate Amendment "A" (H-1114) proposed an emergency preamble to ensure that the funding provided in Senate Amendment "A" may occur and proposed increasing the deappropriation to the Baxter Compensation Authority to $425,000 in fiscal year 2005-06.

Enacted law summary

Private and Special Law 2005, chapter 66 provides a one-time appropriation of $20,000 in fiscal year 2006-07 for the Maine Economic Growth Council in order that it may continue to produce the Measures of Growth report. It provides an appropriation of $880,000 in fiscal year 2006-07 to assist certain municipalities that suffered flood damage that occurred in spring 2005, and deappropriates $425,000 in fiscal year 2005-06 from the Baxter Compensation Authority and $250,000 in fiscal year 2005-06 from the Gambling Control Board.

Private and Special Law 2005, chapter 66 was enacted as an emergency measure effective June 1, 2006.

LD 1948 **An Act To Save the Marine Technology Center and Strengthen Maine's Boatbuilding Workforce** **P & S 54**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP MAJ	S-637
EMERY	OTP-AM MIN	S-694 ROTUNDO
		S-704 ROTUNDO

LD 1948 proposed a General Fund appropriation of $433,877 in fiscal year 2006-07 for the Marine Technology Center of Washington County Community College, or "MTC for the following purposes:

1. To ensure the core level of staffing necessary to maintain a sustainable and world-class boatbuilding program at the MTC;

2. To allow the MTC to deliver boatbuilding training at various sites along the Maine coast in order to more fully meet the statewide workforce needs of Maine's marine industry; and

3. To subsidize the cost of planning and delivering a statewide expansion of the registered apprenticeship program and customized training of existing workers.

Committee Amendment "A" (S-637) incorporated a fiscal note.

Senate Amendment "A" (S-694) proposed to eliminate the appropriation for the Marine Technology Center; required the Washington County Community College and the City of Eastport to explore the possibility of forming partnerships with interested parties to strengthen and secure the future of the Marine Technology Center and report the results of their efforts and their recommendations to the joint standing committee of the Legislature having jurisdiction over education matters by February 1, 2007; and proposed a General Fund appropriation of $25,000 in fiscal year 2005-06 to the Department of Economic and Community Development for a grant to the City of Eastport.

Senate Amendment "A" to Senate Amendment "A"(S-704) proposed that the Department of Economic and Community Development facilitate the formation of partnerships and, with input and assistance from the Washington County Community College and the City of Eastport, report on the results of those efforts to the joint standing committee of the Legislature having jurisdiction over education matters by February 1, 2007; and proposed a General Fund appropriation of $25,000 in fiscal year 2005-06 to the Department of Economic and Community Development for a grant to the City of Eastport.

Enacted law summary

Private and Special Law 2005, chapter 54 requires the Department of Economic and Community Development to facilitate the formation of partnerships to strengthen and secure the future of the Marine Technology Center at Eastport. It requires the department, with input and assistance from the Washington County Community College and the City of Eastport, to report the results of its efforts and recommendations to the joint standing committee of the Legislature having jurisdiction over education matters; and it provides a one-time General Fund appropriation of $25,000 in fiscal year 2006-07 to facilitate these efforts.

LD 1956 **An Act To Recapitalize the Maine Downtown Center** **P & S 61**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON J	OTP	S-699 ROTUNDO

LD 1956 proposed a one-time appropriation of $300,000 in fiscal year 2006-07 for recapitalization of the Maine Downtown Center.

Senate Amendment "A" (S-699) proposed to reduce the one-time appropriation to $75,000 in fiscal year 2006-07 for recapitalization of the Maine Downtown Center strikes and providing a one-time appropriation of $5,000 in fiscal year 2006-07 for the Maine Regulatory Fairness Board.

Enacted law summary

Private and Special Law 2005, chapter 61 provides a one-time appropriation of $75,000 in fiscal year 2006-07 to recapitalize the Maine Downtown Center and a one-time appropriation of $5,000 in fiscal year 2006-07 for the Maine Regulatory Fairness Board.

LD 1960 **An Act To Authorize a General Fund Bond Issue To Create a Block Grant Program To Promote Economic and Cultural Development** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS MARTIN	ONTP	

LD 1960 proposed a General Fund bond issue in the amount of $50,000,000 to create a block grant program to promote economic and cultural development.

LD 1968 **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 Years Ending June 30, 2006 and June 30, 2007** **PUBLIC 519 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BRANNIGAN ROTUNDO	OTP-AM	H-878 H-901 BRANNIGAN

LD 1968 was the Governor's proposed Fiscal Year 2005-06 and Fiscal Year 2006-07 Supplemental Budget Bill.

Committee Amendment "A" (H-878) was the unanimous report of the committee in response to the Governor's proposed bill.

House Amendment "D" (H-901) proposed corrections to a department name in an appropriations and allocations section and corrections to 2 cross-references, proposed maintaining current law regarding to whom the chief advocate in the Office of Advocacy reports and proposed a technical correction to the year-end transfer, the so-called "cascade".

Enacted law summary

Public Law 2005, chapter 519 does the following:

PART A

Authorizes appropriations and allocations from various funds for the fiscal years ending June 30, 2006 and June 30, 2007.

PART B

Authorizes appropriations and allocations from the various funds for the fiscal years ending June 30, 2006 and June 30, 2007, in order to provide funding for approved reclassifications and range changes.

PART C

Repeals Public Law 2005, chapter 457, Part III, which provided for a transfer of $42,500,000 in fiscal year 2005-06 from Other Special Revenue Funds to the unappropriated surplus of the General Fund, which was to be repaid on July 1, 2006 with interest.

PART D

Exempts several Other Special Revenue Funds accounts from statewide reductions enacted in Public Law 2005, chapter 12 related to retirement amortization and health insurance savings.

PART E

Authorizes limited-period, project or other temporary positions that are established by financial order to be established for a period not to exceed 2 years unless a specific appropriation or allocation is made by the Legislature beyond 2 years. Currently, positions established by financial order must have an end date no later than the statutory adjournment date for the next regular session of the Legislature.

PART F

Requires the State Controller to transfer $29,000,000 on July 1, 2006 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

PART G

Provides specific limitations for tax purposes on the domicile concept in the definition of “resident individual” in the case of an individual who does not maintain a permanent place of abode in Maine and is present in Maine for only short periods of time. It provides that domicile determinations may not be based solely on the location of an individual's professional advisors or political contributions. It also provides that charitable contributions may not be used to determine residency (related to LD 325).

PART H

Allows a refundable historic rehabilitation credit to a developer who owns 2 or more structures located in the Kennebec Arsenal District National Historic Landmark. The refundable credit is limited to $500,000 per year and is allowed only for 4 consecutive tax years beginning in 2006 (related to LD 1775).

PART I

Clarifies that the fee for each initial criminal history record check is $55, which includes a one-time fee for fingerprinting, and each renewal criminal history record check is $24. It directs the Commissioner of Education to reimburse $31 to any person who has paid $55 for a renewal criminal history record check between September 17, 2005 and the effective date of the provision.

Amends the definition of "adult education" to add college courses that adult education students take as a transition to college.

Provides reimbursement for college transition courses provided by adult education at 75% of the cost of salaries and fringe benefits and 50% of the cost of consumable supplies and textbooks.

PART J

Authorizes the Department of Education to allocate bus purchases approved in fiscal year 2004-05 in fiscal years 2006-07 and 2007-08.

Implements the transfer of funds for 5 positions from the General Purpose Aid for Local Schools account to the Management Information Systems account.

Establishes the maximum debt service limit for fiscal years 2009-10 and 2010-11 as required by Title 20-A, section 15905, subsection 1, paragraph A-1.

Establishes the 2006-07 funding level for the local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to Title 20-A, section 15689-E.

Authorizes the Department of Administrative and Financial Services to enter into lease-purchase financing arrangements on behalf of the Department of Education for the acquisition of portable computer systems to support the operations of the Maine Learning Technology Initiative program.

Requires the Commissioner of Education, with advice from the Advisory Board of the Maine Learning Technology Fund, to submit a report that includes findings and recommendations, including suggested legislation to revise and update Title 20-A, chapters 606-B and 801, and present the findings to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education matters no later than January 31, 2008.

Requires the Commissioner of Education to conduct a comprehensive review of the Maine Learning Technology Initiative and to report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education matters on the progress and results of the evaluation annually by February 15th of each year beginning on February 15, 2007.

PART K

Removes the Director, Office of Management Services position from those within the Department of Environmental Protection that are major policy-influencing positions.

PART L

Requires the State Controller to transfer $175,000 from the Carrying Account - Inland Fisheries and Wildlife program to the Licensing and Registration account - Inland Fisheries and Wildlife program to support the costs associated with the transfer of the MOSES program from MCI to the Department of Administrative and Financial Services, Office of Information Technology.

Requires the State Controller to transfer $45,000 from the Carrying Account - Inland Fisheries and Wildlife program to the Specialty License Plate Fund Other Special Revenue Funds account within the Department of the Secretary of State by June 30, 2007.

Requires the State Controller to transfer $935,000 from the Carrying Account - Inland Fisheries and Wildlife program to the unappropriated surplus of the General Fund by June 30, 2007.

PART M

Directs that $252,577 of the unencumbered balance in the Disproportionate Share - Riverview Psychiatric Center General Fund account in the Department of Health and Human Services lapse to the General Fund in fiscal year 2005-06.

Directs that $231,924 of the unencumbered balance in the Disproportionate Share - Dorothea Dix Psychiatric Center General Fund account in the Department of Health and Human Services lapse to the General Fund in fiscal year 2005-06.

Authorizes the Department of Health and Human Services to continue a Rehabilitation Consultant position in the Office of Management and Budget through June 16, 2006 and allows salary savings to be used to fund the cost of the extension.

Authorizes the Department of Health and Human Services to continue a Public Service Coordinator II position in the Bureau of Medical Services through June 16, 2006 and allows salary savings to be used to fund the cost of the extension.

PART N

Requires the State Controller to transfer $2,346,727 no later than June 30, 2006 and $2,103,273 no later than June 30, 2007 from the unappropriated surplus of the General Fund to the Fund for a Healthy Maine.

Requires the State Controller to transfer $3,954,211 in fiscal year 2005-06 from the unappropriated surplus of the General Fund to the Medical Care Services Federal Expenditures Fund program within the Department of Health and Human Services to settle federal audit findings related to school-based health services and the prescription drug discount program.

Requires the State Controller to transfer $4,850,000 in fiscal year 2005-06 from the unappropriated surplus of the General Fund to the Foster Care Federal Expenditures Fund program within the Department of Health and Human Services to settle federal audit findings related to the Adoption Assistance program.

PART O

Authorizes the Department of Administrative and Financial Services, Office of Information Technology to enter into lease-purchase financing arrangements on or after July 1, 2006 with debt service commencing on or after July 1, 2007 for the acquisition of hardware, software and other systems retrofitting to support the operations of Maine Revenue Services tax administration facilities. It adds reporting requirements concerning all major state information technology systems including business continuity planning efforts. It authorizes the joint standing committee of the Legislature having jurisdiction over state and local government matters to report out legislation during the 123rd Legislature to enhance the Legislature's oversight of statewide information systems.

PART P

Renames the Maine State Film Commission program in the Department of Economic and Community Development the Maine State Film Office program.

PART Q

Authorizes the Department of Public Safety, Bureau of State Police to establish 2 State Police Sergeant project positions to be temporarily assigned to the Maine Criminal Justice Academy for each training class at the academy.

PART R

Authorizes any balance remaining on June 30, 2006 in the Baxter Compensation Authority General Fund account to carry forward to fiscal year 2006-07 to be expended by September 30, 2006.

PART S

Establishes the Director, External Affairs position as a major policy-influencing position in the Department of Marine Resources.

PART T

Authorizes the Department of Administrative and Financial Services to enter into lease-purchase financing arrangements on behalf of the Department of Corrections for the acquisition and installation of energy-saving devices for its facilities and requires a report to identify the savings achieved from these energy-saving devices.

PART U

Requires the State Controller to transfer $500,000 in fiscal year 2005-06 and $500,000 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration Other Special Revenue Funds program within the Department of Transportation.

PART V

Requires the State Controller to transfer $101,743 in fiscal year 2005-06 from the unappropriated surplus of the General Fund to the Risk Management Fund within the Department of Administrative and Financial Services to reimburse the Risk Management Fund for settlement payments made to potato growers.

Requires the State Controller to transfer $708,223 in fiscal year 2005-06 from the unappropriated surplus of the General Fund to the Risk Management Fund within the Department of Administrative and Financial Services to reimburse the Risk Management Fund for a judgment against the Department of Administrative and Financial Services resulting from a contract dispute.

PART W

Requires that income from the rental of facilities in Limestone be deposited into an Other Special Revenue Funds account in the Department of Administrative and Financial Services, Bureau of General Services to be used for improvements and other costs of managing the facilities operated by the Maine Military Authority in Limestone and for the reimbursement of certain supplemental life insurance costs.

Authorizes the Commissioner of Administrative and Financial Services to transfer funds collected from the rental of facilities in Limestone to the General Fund as undedicated revenue or to the Maine National Guard Education Assistance Pilot Program in the Department of Defense, Veterans and Emergency Management, Other Special Revenue Funds account for tuition assistance and for the reimbursement of certain supplemental life insurance costs (related to LD 1700).

Clarifies that amounts transferred to the General Fund undedicated revenue from rental payments from the Maine Military Authority are not necessarily the first amounts received.

Authorizes the Department of Administrative and Financial Services, Bureau of General Services to transfer up to $390,000 in fiscal year 2005-06 and $341,536 in fiscal year 2006-07 from the Bureau of General Services, Other Special Revenue Funds account to the Maine National Guard Education Assistance Pilot Program and reimbursement for purchase of supplemental insurance program, Other Special Revenue Funds accounts in the Department of Defense, Veterans and Emergency Management.

Requires that the Commissioner of Defense, Veterans and Emergency Management reimburse members of the National Guard and Reserves of the United States Armed Forces assigned to a unit in Maine for the cost of monthly premiums paid to the Federal Government for supplemental life insurance. A member of the National Guard or Reserves assigned to a unit in Maine who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom during any month in the calendar year 2006 is eligible for reimbursement for each month deployed in that year regardless of the number of days served in that month.

PART X

Adds the Maine State Law Enforcement Association to the bargaining units authorized to access funding in the General Fund, Salary Plan account to implement economic terms of collective bargaining agreements for fiscal years ending June 30, 2006 and June 30, 2007.

Authorizes available Personal Services balances in General Fund accounts to be transferred between programs and departments within the General Fund by financial order to be used for collective bargaining agreement costs.

PART Y

Removes the Director of General Services position from those positions within the Department of Conservation that are major policy-influencing positions.

PART Z

Removes the Chief Information Officer position from those positions within the Department of Health and Human Services that are major policy-influencing positions.

PART AA

Requires the State Budget Officer to review the programs receiving allocations from the Fund for a Healthy Maine to proportionately distribute, by financial order, a deallocation of $8,391,658 included in this Part. It requires the State Budget Officer to first apply any unexpended balance in the Fund for a Healthy Maine on June 30, 2006 before making any adjustments to the allocations. The State Budget Officer is required to report on the distribution of those adjustments to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2007.

Authorizes legislation to be submitted to the First Regular Session of the 123rd Legislature to redistribute any alternative funding sources identified as an offset to the deallocation from the Fund for a Healthy Maine.

PART BB

Removes the designation of the Maine Developmental Disabilities Council as the designated state agency for the purposes of directly receiving federal funding and names the Department of Administrative and Financial Services to serve instead in that limited capacity.

PART CC

Removes nonconformity with the federal student loan interest deduction for interest paid after 60 months from the start of the loan repayment period. The change applies to tax years beginning after January 1, 2006.

PART DD

Restores the Maine child care credit to 25% of the federal credit. The change applies to tax years beginning after January 1, 2006.

PART EE

Exempts all sales or leases of aircraft that weigh over 6,000 pounds that are propelled by one or more turbine engines or that are in use by a Federal Aviation Administration classified 135 operator. It excludes from the Maine use tax any other aircraft purchased by a nonresident outside Maine that is used

in Maine for 20 days or less, exclusive of days during which an aircraft is present in Maine for "major alterations," "major repairs" and "preventive maintenance," as those terms are defined by the Federal Aviation Administration. It clarifies the application of the exemptions in Title 36, section 1760, subsection 45 as they may relate to entities.

PART FF

Clarifies that certain former Department of Corrections employees, now a part of the Department of Administrative and Financial Services, remain eligible for the 1998 Special Retirement Plan.

PART GG

Establishes tax benefits for media production companies making productions in whole or in part in Maine. It allows a reimbursement equal to 12% of certified media production wages to resident employees and 10% to others for a media production company that meets certain criteria. It allows a credit for Maine income tax directly related to income generated by a certified media production activity.

PART HH

Amends Public Law 2005, chapter 457, Part EE, section 1 by changing the amount of the transfer to the General Fund unappropriated surplus from the Fund for the Efficient Delivery of Local and Regional Services, Other Special Revenue Funds account, from $2,451,935 to $1,951,935 in fiscal year 2006-07.

PART II

Transfers $300,000 from the unappropriated surplus of the General Fund to the Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education in fiscal year 2006-07.

PART JJ

Eliminates 253 vacant positions, resulting in elimination of 199.071 legislative and FTE headcount in accordance with Public Law 2005, chapter 457, Part. GGG, section 12.

PART KK

Directs the State Controller to transfer an additional $1,200,000 from undedicated General Fund revenue to the Maine Clean Election Fund.

PART LL

Amends the Maine Revised Statutes, Title 20-A, chapter 606-B to reflect the work that has been done to implement the system of learning results.

PART MM

Appropriates and allocates to the Departments and Agencies – Statewide account additional savings in the cost of health insurance. It requires the State Budget Officer to calculate the amount of savings that apply against each General Fund account for all departments and agencies except legislative branch departments and agencies from these additional savings and to transfer the amounts by financial order upon the

approval of the Governor. It directs these transfers be considered adjustments to appropriations in fiscal year 2006-07. It directs the State Budget Officer to provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than November 1, 2006.

PART NN

Amends Public Law 2005, chapter 386, Part Q, section 2 to allow the Governor Baxter School for the Deaf to receive transfers from the General Fund Salary Plan for the costs of collective bargaining agreements for employees of the Governor Baxter School for the Deaf in an amount not to exceed $294,658 for the 2006-2007 biennium.

PART OO

Creates the Consolidated Emergency Communications Fund as an enterprise fund for the deposit of any payments made by municipal, county and state governmental entities in Kennebec County. It directs the fund may not lapse but must be carried forward to carry out the purposes of this Part.

Authorizes the Commissioner of Public Safety and the Maine Communications System Policy Board to transfer position counts and available balances by financial order to the Emergency Services Communication Bureau within the Department of Public Safety.

Authorizes the Department of Public Safety, Emergency Services Communication Bureau to establish positions by financial order when municipal, county and state governmental entities in Kennebec County voluntarily consolidate communication systems with the bureau's communications systems.

(Note: The Appropriations Committee intended that the fund identified in this Part be the *Consolidated Emergency Communications Fund* in the Department of Public Safety and not the *Emergency Services Communication Bureau* in the Public Utilities Commission. In addition, the Appropriations Committee had intended the authorization not be restricted to Kennebec County. LD 2055, PL 2005, c. 683, Part D, An Act To Correct Errors and Inconsistencies in the Laws of Maine, corrects this error.)

PART PP

Requires the Department of Health and Human Services to reimburse all licensed critical access hospitals at 117% of MaineCare allowable costs for both impatient and outpatient services provided to patients covered by the MaineCare program.

PART QQ

Amends provisions related to the rounding of the value of assets in the calculation of penalties for transferring assets in MaineCare to comply with federal regulations.

PART RR

Updates the statute concerning the Department of Health and Human Services, Office of Advocacy and defines “client” as a person receiving, seeking or requesting services for people with mental retardation.

PART SS

Corrects and clarifies certain definitions and changes requirements for community agencies to require them to design and operate internal systems that will ensure financial reporting reliability, operating efficiency and compliance with their legal requirements. It requires these agencies to meet any reporting requirement set out in their social services agreements with the Department of Health and Human Services.

Increases the threshold requirement for community agencies to be audited by a qualified independent public accountant to $500,000 of expenditures of departmental funding and eliminates the requirement for compilations.

Repeals the requirement that other state agencies using the department's audit services must reimburse it for such services.

PART TT

Establishes the Maine Use Tax Compliance Program, providing an incentive for taxpayers to voluntarily report taxable purchases during the last 6 years upon which Maine use tax was not paid. Payment of the tax, without interest or penalties, is required for the 3 calendar years with the highest use tax liability and use tax liability for the 3 “low years” is forgiven.

PART UU

Authorizes the Department of Administrative and Financial Services, Bureau of Human Resources to continue one limited-period Public Service Coordinator position through October 31, 2006. This position is assisting the bureau in its efforts to resolve the administrative services bargaining unit contract. Funding for this position and any All Other related costs is from the General Fund Compensation and Benefit Plan account in the Department of Administrative and Financial Services and in accordance with Public Law 2005, chapter 12, Part SSS. This position was established by Financial Order 02486 F6.

PART VV

Changes the priority order of distributions from the unappropriated surplus of the General Fund. It establishes the transfers to the State Contingent Account as a first priority and transfers to the Loan Insurance Reserve as the 2nd priority. After these fixed-dollar transfers are made, the available balance in the unappropriated surplus is distributed as follows: 35% to the Maine Budget Stabilization Fund; 20% to the Reserve for General Fund Operating Capital; 20% to the Retirement Allowance Fund; 15% to the Retiree Health Insurance Internal Service Fund established in the Maine Revised Statutes, Title 5, section 1519; and the final 10% to the Capital Construction and Improvements Reserve Fund established in Title 5, section 1516-A. This new distribution changes the base for the percentage from excess revenue to the broader definition of available unappropriated surplus. Prior to these changes, the transfer percentages were based on excess revenue and only distributed 80% of excess revenue and after these transfers were made the Maine Budget Stabilization Fund received the remaining available balance of the unappropriated surplus.

PART WW

Requires the Department of Education to dispose of computers and peripheral equipment purchased as part of the Maine Learning Technology Initiative through the Department of Administrative and Financial

Services, Bureau of General Services' surplus property program, except for computers and peripheral equipment purchased by a school district. All proceeds from the sale or other disposal agreement net of selling and disposal costs must be deposited in the General Purpose Aid for Local Schools General Fund account within the Department of Education to be used for the continued support of the Maine Learning Technology Initiative.

PART XX

Provides that the Commissioner of Education may pay for costs for secondary students to take postsecondary courses at eligible institutions. It also provides that a student may take a postsecondary course if the student receives a recommendation from the student's school administration or from a teacher at the student's school.

PART YY

Increases the level of the lease purchase authorization for the financing arrangement for the acquisition of laptop computer systems for fiscal years 2001-02 and 2002-03 to support the Maine Learning Technology Program.

PART ZZ

Provides a General Fund appropriation of $200,000 in fiscal year 2006-07 for the college transition program within the adult education program.

PART AAA

Requires the Department of Health and Human Services to provide emergency drug coverage to persons eligible for coverage of prescription medications under certain specific circumstances. It gives the department authority to use unspent Medicare Part D “clawback” funding for additional Medicare Part D wraparound services and authorizes the department to transfer funds related to the Medicare Part D prescription drug program between the Medical Care - Payments to Providers and Low-cost Drugs to Maine's Elderly accounts. It requires the department to provide regular reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the status of the state-paid prescription drug coverage related to Medicare Part D. It also provides an appropriations and allocations section.

PART BBB

Provides a General Fund appropriation of $52,231 in fiscal year 2006-07 for HIV and AIDS treatment and prevention programs.

PART CCC

Creates new rate-setting requirements for the mental retardation waiver initiative authorized under Public Law 2005, chapter 12, Part BBBB. These requirements are intended to address the delay in submitting the waiver for federal approval.

PART DDD

Transfers fiscal year 2006-07 funding into fiscal year 2005-06 to support MaineCare costs as a result of interim payment recovery timing issues. It also requires a financial summary and report on the status of the Department of Health and Human Services' progress in its Maine claims management system-related interim payment recovery efforts. The report must include the amount of recoveries accrued, the amount received, the amount outstanding and the amount determined uncollectible as of June 30, 2006, July 31, 2006 and August 31, 2006, broken down by state and federal funding sources. The report must also include the status of any federal changes in reimbursement or policy as a result of the Maine claims management system-related difficulties. It also clarifies legislative intent regarding the Department of Health and Human Services' compliance with legislatively mandated reporting requirements.

PART EEE

Requires the Department of Health and Human Services to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 15, 2007 that presents a recommended plan for paying hospitals for services provided under the MaineCare program in full and includes recommendations for setting the annual hospital prospective interim payments at levels sufficient to reflect the increased patient volume.

PART FFF

Allocates funds from the Fund for a Healthy Maine to partially restore funding deallocated in Public Law 2005, chapter 457, Part II.

PART GGG

Appropriates $250,000 in fiscal year 2006-07 for the Department of Health and Human Services to award grants for hospice services. The funds must be awarded through a competitive bidding process and distributed equally among the following 2 areas of the State: Lewiston and Auburn; and Scarborough and South Portland. Grantees must have plans submitted to the Department of Health and Human Services by July 1, 2006 to qualify for these grants.

(Note: The Appropriations Committee intended that the appropriation fund 2 newly built hospice facilities as opposed to awarding funds on a competitive basis. In addition, the Committee intended to identify certain details of the plan grantees are required to submit to the Department of Health and Human Services and intended to require the Department of Health and Human Services submit a report to certain joint standing committees of the Legislature identifying how the grant funds were utilized by the grantees. LD 2055, PL 2005, c. 683, Part C, sections 11 and 12, An Act To Correct Errors and Inconsistencies in the Laws of Maine, corrects this error.)

PART HHH

Appropriates and allocates funds for hospital settlements under the MaineCare program to be paid prior to October 15, 2006 and transfers $15,000,000 from the General Fund to the Highway Fund in fiscal year 2006-07 to increase the number of highway and bridge improvement projects that can be completed in fiscal year 2006-07.

PART III

Reflects the addition of 3 District Court Judge positions and one Superior Court Justice position.

PART JJJ

Provides a General Fund appropriation of $994,602 in fiscal year 2006-07 for the Judicial Department to establish the Business and Consumer Court and transfers $200,000 of dedicated funds within the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund to partially offset the General Fund appropriation to the Judicial Department.

PART KKK

Clarifies that municipal officers may authorize employees who provide emergency services to aid with public service emergencies in other municipalities, whether as part of a municipal fire department or separately and further clarifies that when employees who provide emergency services assist other municipalities, whether as part of a municipal fire department or separately, those employees have the same privileges and immunities as when acting in their own municipality.

PART LLL

Provides an income tax deduction for contributions to a qualified tuition program established under Section 529 of the Internal Revenue Code. The deduction is equal to $250 for each designated beneficiary and is limited to contributors with federal adjusted gross income not exceeding $100,000 for returns with a filing status of single or married filing separately or $200,000 for returns with a filing status of married joint or head of household.

PART MMM

Expands eligibility for property tax exemptions to veterans of certain conflicts that do not currently qualify for the exemption.

PART NNN

Conforms Maine income tax law to federal law regarding contributions to health savings accounts.

PART OOO

Changes the threshold for issuance of resale certificates from $10,000 to $3,000 in annual gross sales and extends the duration of resale certificates from one year to 3 years and establishes that subsequently issued resale certificates are effective for 5 years.

PART PPP

Extends the tax credit given for the construction or improvements to any filling station for the purpose of providing clean fuels to the general public for use in motor vehicles from December 31, 2005 to December 31, 2008.

PART QQQ

Includes in the definition of “commercial agricultural production” the removal and storage of manure related to the production of livestock, thus providing a sales tax exemption for machinery purchased for use in the removal and storage of manure as well as the electricity used to operate the machinery.

PART RRR

Establishes the Maine Veterans' Memorial Cemetery Maintenance Fund to provide for the maintenance and upkeep of Maine veterans' cemeteries. It provides an allocation for the expenditure of funds received from a voluntary tax check off on the individual income tax form that allows a taxpayer to donate a portion of a tax refund or make a donation with the tax return and provides an appropriation associated with the administrative costs associated with the tax check off.

PART SSS

Exempts from the real estate transfer tax deeds between grandparent and grandchild, effective August 1, 2006.

Part TTT

Establishes an income tax credit for businesses that use or modify a pollution-reducing boiler or furnace system, requires certifications of eligible systems by the Department of Environmental Protection, repeals the credit after 4 years and requires the Department of Administrative and Financial Services, Bureau of Revenue Services to report annually on the use of the credit as part of its economic development incentive report.

PART UUU

Provides that $1,600,000 in unencumbered balance forward in fiscal year 2004-05 in the Education in the Unorganized Territory, General Fund account in the Department of Education lapses to the General Fund in fiscal year 2005-06 and deappropriates $400,000 from the Education in the Unorganized Territory (EUT) program within the Department of Education in fiscal year 2005-06.

(Note: The Appropriations Committee intended that the deappropriation come from the Personal Services line rather than the All Other line of the EUT account. LD 2055, PL 2005, c. 683, Part C, section 13, An Act To Correct Errors and Inconsistencies in the Laws of Maine, corrects this error.)

PART VVV

Directs the Department of Health and Human Services and the Department of Labor to adopt rules to affect an increased rate of reimbursement to those providing consumer-directed personal assistance services.

PART WWW

Provides an appropriation to the Disability Rights Center to be used to provide advocacy services for children with serious disabilities in education-related matters.

PART XXX

Changes the title of court security officers to state judicial marshal and state judicial deputy marshal and adds these positions to the definition of "law enforcement officer", entitling them to death benefits for officers who die in the line of duty.

PART YYY

Reflects the policy of the Legislature to establish a means of financing sustainable passenger rail service in the State of Maine and requires the Commissioner of Transportation to identify financial resources to develop an implementation plan for the provision of sustainable passenger rail service and to submit a report to the Legislature.

PART ZZZ

Establishes additional requirements for the managed behavioral health care services system initiative authorized under Public Law 2005, chapter 457, Part PP.

PART AAAA

Provides for an annual stipend for each public school teacher in Maine who has attained certification from the National Board for Professional Teaching Standards as of July 1, 2006 or thereafter and provides funds to the Maine State Retirement System for the additional cost of the normal cost component; provides additional one-time funds for the Educators for Maine program administered by the Finance Authority of Maine for residents of the State who are pursuing careers in education; provides for the continuing implementation of essential programs and services and makes changes designed to achieve the goals of the EPS funding model of adequacy and equity in the funding of education for kindergarten to grade 12; recognizes the special education costs of certain member municipalities that are determined to be minimum state allocation receivers but delays the implementation of the adjustment proposed until fiscal year 2007-08; extends to fiscal year 2006-07 and modifies the adjustment for certain school administrative districts and community school districts that have member municipalities with local contributions that are below the maximum mill rate expectation but that are adversely affected as a result of the cost-sharing mechanism established pursuant to Title 20-A, section 15688; modifies the adjustment in fiscal year 2006-07 to recognize 35% of the special education costs of eligible school districts as compared to 25% of the special education costs that were recognized by the adjustment provided in fiscal year 2005-06; and provides a transition adjustment for fiscal year 2006-07 to provide additional state subsidy to those school administrative units that have experienced a significant increase in the property valuation as compared to the statewide average increase in property valuation from 2004 to 2005.

PART BBBB

Provides authority for the progressive treatment program to increase outpatient treatment and decrease reliance on hospitalization to 50 persons with severe mental illness who are involuntarily hospitalized. The provision is repealed July 1, 2010. It appropriates funds for the progressive treatment program in the Department of Health and Human Services and the Judicial Department and includes funding for residential services as recommended by the Court Master in Paul Bates et al. v. Department of Behavioral and Developmental Services et al.

PART CCCC

Appropriates funds for residential care facilities and nursing facilities for increased heating costs during the 2005-2006 heating season to be paid before July 1, 2006 notwithstanding any provision of law or rule to the contrary or cost cap or other limitation applicable to residential care facilities and nursing facilities and directs the Department of Health and Human Services to amend MaineCare rules, through routine technical rulemaking, to provide for the distribution of these funds.

PART DDDD

Removes the requirement that the Department of Health and Human Services develop a MaineCare drug formulary and authorizes the department to develop a drug formulary.

PART EEEE

Requires the Commissioner of Health and Human Services to report on the efforts of the Department of Health and Human Services to increase the availability of workers for homemaker and home-based care programs.

PART FFFF

Deappropriates fiscal year 2005-06 savings from the Homestead Property Tax Exemption Reimbursement program within the Department of Administrative and Financial Services.

Public Law 2005, chapter 519 was enacted as an emergency measure effective March 29, 2006.

LD 2045 **An Act To Implement the Recommendations of the Commission To Reform the State Budget Process** **PUBLIC 601**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO BRANNIGAN	OTP-AM	S-570

LD 2045 proposed to implement the statutory recommendations of the Commission to Reform the State Budget Process. The Commission proposed changes to create a budget document that would be more useful throughout the budget deliberations of the Legislature and to adjust the statutes to reflect the recommended change in the budgeting methodology. The change would shift the starting point for the biennial budget from the traditional current services model to a modified flat-funded model. Instead of building from prior biennial requests increased by an inflation factor, requests for appropriations and allocations would start from authorized positions and flat-funded non-personal services appropriations and allocations. Increases from those flat-funded amounts would need to be justified and the initiatives presented in the unified budget bill. It proposed elimination of some recently enacted restrictions on departmental budget requests, to be replaced by the flat-funded restrictions. It also proposed more flexibility in the Governor's budget document. LD 2045 also proposed changing references to the Governor's submission of a budget bill and replace them with references to the budget document, which

would be reformatted beginning in the 2008-2009 biennium to mirror the new budget document format approved by the commission.

Committee Amendment "A" (S-570) proposed to clarify the content of the state budget document to be submitted by the Governor-elect or the Governor.

Enacted law summary

Public Law 2005, chapter 601 implements the statutory recommendations of the Commission to Reform the State Budget Process. The changes shift the starting point for the biennial budget from the traditional current services model to a modified flat-funded model. Instead of building from prior biennium requests increased by an inflation factor, requests for appropriations and allocations start from authorized positions and flat-funded non-personal services appropriations and allocations. Increases from those flat-funded amounts need to be justified and the initiatives presented in the unified budget bill. It eliminates some recently enacted restrictions on departmental budget requests, which are replaced by the flat-funded restrictions. It also provides more flexibility in the Governor's budget document. It changes references to the Governor's submission of a budget bill and replaces them with references to the budget document, which will be reformatted beginning in the 2008-2009 biennium to mirror the new budget document format approved by the commission.

LD 2081 **An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Seed Potato Board** **P & S 67**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2081 proposed a $30,000 appropriation in fiscal year 2006-07 to the Seed Potato Board for equipment needed at the Porter Seed Farm in Masardis.

Enacted law summary

Private and Special Law 2005, chapter 67 appropriates $30,000 to the Seed Potato Board for equipment needed at the Porter Seed Farm in Masardis.

LD 2120 **Resolve, To Require the Governor To Submit Legislation for Flood Damage Relief to the 123rd Legislature** **RESOLVE 217**

Sponsor(s)	Committee Report		Amendments Adopted
BRYANT B	OTP-AM	MAJ	S-705
HOTHAM	OTP-AM	MIN	

LD 2120 proposed a $500,000 appropriation in fiscal year 2006-07 for infrastructure, including, but not limited to, water and sewer lines, for a new downtown area located outside the flood zone in the Town of Canton.

Committee Amendment "A" (S-705) proposed the bill be replaced with a resolve directing the Governor to submit emergency legislation to the First Regular Session of the 123rd Legislature that provides funding for the following:

1. The 15% state share of costs associated with the flood damage that occurred in York County in May 2006;

2. The balance of the 15% state share of costs associated with the flooding in spring 2005; and

3. An amount not less than $500,000 for the relocation of the downtown area of the Town of Canton outside of the flood zone, including but not limited to infrastructure such as water and sewer lines.

The proposed funding must be provided in legislation dedicated solely to the purposes described in subsections 1, 2 and 3 and submitted no later than January 2, 2007.

A minority of the Joint Standing Committee on Appropriations and Financial Affairs proposed the bill be replaced with a General Fund bond issue in the amount of $4,000,000 to provide funding for the State's share of cost associated with the flood damage that occurred in spring 2005, spring 2006 and for the relocation of the downtown area of the Town of Canton outside of the flood zone, including, but not limited to, such infrastructure as water and sewer lines.

Enacted law summary

Resolve 2005, chapter 217 requires the Governor submit emergency legislation to the 123rd Legislature that provides funding for the following:

1. The 15% state share of costs associated with the flood damage that occurred in York County in May 2006;

2. The balance of the 15% state share of costs associated with the flooding in spring 2005; and

3. An amount not less than $500,000 for the relocation of the downtown area of the Town of Canton outside of the flood zone, including but not limited to infrastructure such as water and sewer lines.

LD 192 **An Act To Establish the Pine Tree Recreation Zone** **PUBLIC 555 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MOODY	OTP-AM	H-929
DAVIS P		

LD 192 proposed to establish the Pine Tree Recreation Zone as the area of the State north and east of the Androscoggin River. The bill proposed to provide that businesses that establish or expand within the Pine Tree Recreation Zone operations involving outdoor recreation, such as providing services or merchandise relating to guiding, hunting, fishing, skiing, snowboarding, snowmobiling or water sports, would be eligible for tax benefits equal to those offered to businesses under the Pine Tree Development Zone program. As proposed, these benefits would include sales tax exemptions for certain building materials and tangible personal property, exclusion from the calculation of a municipality's tax increment financing district within the Pine Tree Recreation Zone, employment tax increment financing for a fixed period of years and state income tax credits for a fixed number of years.

Committee Amendment "A" (H-929) proposed to replace the bill. It proposed to establish the Pine Tree Recreation Zone as the area of the State north and east of the Androscoggin River in order to expand recreational and agricultural tourism and economic development in central and northern Maine. It proposed to provide that business projects will be eligible for benefits if they are located within the Pine Tree Recreation Zone, are in a labor market area with a population density of less than 30 people per square mile and derive at least 50% of their business from sustainable recreational or agricultural tourism activities. The amendment proposed to authorize the Commissioner of Economic and Community Development to adopt major substantive rules to administer the program and to delineate a process by which qualified projects may apply for funding from grants and loans, including loans administered by the Finance Authority of Maine, and proposed to establish an effective date for the Pine Tree Recreation Zone of January 1, 2008.

In addition, the amendment proposed to direct the Department of Economic and Community Development to convene meetings with representatives of departments and stakeholder associations to gather information on effective methods for attracting, retaining and developing natural resource-based industries and nature-based tourism in central and northern Maine and to structure the eligibility criteria and benefit structure for the Pine Tree Recreation Zone program participants and qualified projects. It also proposed to require the commissioner to use the information gathered to develop a strategic plan for attracting, retaining and expanding new and existing natural resource-based industries in central and northern Maine and to report by February 15, 2007 to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the details of this strategic plan for the Pine Tree Recreation Zone. Finally, the amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to report out legislation on this issue to the First Regular Session of the 123rd Legislature.

Enacted law summary

Public Law 2005, chapter 555 establishes the Pine Tree Recreation Zone as the area of the State north and east of the Androscoggin River in order to expand recreational and agricultural tourism and economic development in central and northern Maine. The law provides that business projects may be eligible for

benefits if they are located within the Pine Tree Recreation Zone, are in a labor market area with a population density of less than 30 people per square mile and derive at least 50% of their business from sustainable recreational or agricultural tourism activities. The law authorizes the Commissioner of Economic and Community Development to adopt major substantive rules to administer the program and to delineate a process by which qualified projects may apply for funding from grants and loans, including loans administered by the Finance Authority of Maine. The law establishes an effective date for the Pine Tree Recreation Zone of January 1, 2008.

In addition, the law directs the Department of Economic and Community Development to convene meetings with representatives of departments and stakeholder associations to gather information on effective methods for attracting, retaining and developing natural resource-based industries and nature-based tourism in central and northern Maine and to structure the eligibility criteria and benefit structure for the Pine Tree Recreation Zone program participants and qualified projects. The law also requires the commissioner to use the information gathered to develop a strategic plan for attracting, retaining and expanding new and existing natural resource-based industries in central and northern Maine and to report by February 15, 2007 to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the details of this strategic plan. Finally, the law authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to report out legislation on this issue to the First Regular Session of the 123rd Legislature.

Public Law 2005, chapter 555 was enacted as an emergency measure effective April 10, 2006.

LD 1135 **An Act To Safeguard Federalism in Trade** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HUTTON STRIMLING	ONTP	

LD 1135 proposed to require the appointment of legislative points of contact for federal trade agreements at the beginning of each legislative session. The bill also proposed to require legislative approval before the State signs on to any trade agreement and proposed to require the Attorney General to notify the United States Trade Representative of the provisions of this bill along with the leadership of the Legislature and the State's congressional delegation.

LD 1358 **Resolve, To Establish the Commission To Study Incentives That Foster Small Business Practices That Support the Economic Growth and Well-being of Maine People and Communities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER DOW	ONTP	

LD 1358 proposed to establish the Commission to Study Incentives that Foster Small Business Practices that Support the Economic Growth and Well-being of Maine People and Communities.

LD 1508 **Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Regulation of Fire Alarm Contractors** **RESOLVE 137**

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	OTP-AM	S-468

LD 1508, which was carried over from the First Regular Session, proposed to require that fire alarm system contractors in the State be licensed by the Commissioner of Public Safety.

Committee Amendment "A" (S-468) proposed to replace the bill with a resolve. It proposed to direct the Commissioner of Professional and Financial Regulation to conduct an independent assessment of the regulation of fire alarm contractors. It proposed to direct the commissioner to submit a report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters no later than January 15, 2007 and authorize the joint standing committee to introduce a bill to the First Regular Session of the 123rd Legislature concerning the regulation of fire alarm contractors.

Enacted law summary

Resolve 2005, chapter 137 directs the Commissioner of Professional and Financial Regulation to conduct an independent assessment of the regulation of fire alarm contractors. The resolve directs the commissioner to submit a report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters no later than January 15, 2007 and authorizes the joint standing committee to introduce a bill to the First Regular Session of the 123rd Legislature concerning the regulation of fire alarm contractors.

LD 1629 **An Act To Enable Bulk Purchasing of Heating Oil Eligible for Federal Reimbursement** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON J MARTIN	ONTP	

LD 1629 was a concept draft. The bill proposed to provide the Maine State Housing Authority with the bonding authority to purchase heating oil in bulk from qualified vendors for persons who are eligible to receive assistance from the federal Low-Income Home Energy Assistance Program in advance of receipt of federal funds for that heating oil.

LD 1653 **Resolve, To Require the Department of Professional and Financial Regulation To Suspend Recently Enacted Rules Pertaining to the Office of Licensing and Registration, Board of Boilers and Pressure Vessels** **DIED IN CONCURRENCE**

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

LD 1653, which was carried over from the First Regular Session, proposed to require the Department of Professional and Financial Regulation to suspend recently enacted rules pertaining to the Office of Licensing and Registration, Board of Boilers and Pressure Vessels.

Committee Amendment "A" (S-427) was the minority report of the committee. It proposed to remove the emergency preamble and emergency clause from the bill and proposed to require the Department of Professional and Financial Regulation to extend until April 1, 2007 all variances granted by the Board of Boilers and Pressure Vessels pertaining to Chapter 15, Section 2(A). It proposed to authorize the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to report out a bill to the First Regular Session of the 123rd Legislature addressing the Department of Professional and Financial Regulation's rules on welded repairs and alterations of boiler or pressure vessels.

LD 1663 **An Act To Establish the Maine Higher Education Employer Initiative** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

LD 1663 was a concept draft. The bill proposed to establish the Maine Higher Education Employer Initiative to provide assistance and incentives for employers to adopt policies and encourage their employees to attend college and to obtain associate and bachelor's degrees. The bill also proposed to require the Maine Development Foundation to coordinate and manage the initiative. In addition, it proposed to require the Finance Authority of Maine to adopt routine technical rules to implement the tax credit authorized by the initiative.

LD 1698 **An Act To Continue the Tourism Cooperative Marketing Fund** **PUBLIC 517**

Sponsor(s)	Committee Report		Amendments Adopted
BROMLEY	OTP-AM	MAJ	S-502
SMITH N	ONTP	MIN	

LD 1698 proposed to repeal the section of law that repeals the Tourism Cooperative Marketing Fund in 2007, thereby continuing the fund.

Committee Amendment "A" (S-502) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 517 repeals the section of law that repeals the Tourism Cooperative Marketing Fund in 2007, thereby continuing the fund.

LD 1705 **An Act To Require That Automobile Extended Service Warranties Purchased by Maine Citizens Provide for Arbitration in the State** **PUBLIC 476**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	OTP	

LD 1705 proposed to require that an extended service warranty for an automobile sold in Maine for a motor vehicle registered in this State that requires arbitration must require it to occur in Maine.

Enacted law summary

Public Law 2005, chapter 476 provides that an extended service warranty sold in Maine for a motor vehicle registered in this State that requires arbitration must require the arbitration to occur in Maine.

LD 1752 **An Act Regarding Licensure Requirements for Nurses** **PUBLIC 473**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN PERRY A	OTP	

LD 1752 proposed to require that acceptance of the Canadian Nurses' Association Testing Service Examination for licensure of nurses in the State end on December 31, 2006, after which the exam standard must match higher federal requirements.

Enacted law summary

Public Law 2005, chapter 473 requires that acceptance of the Canadian Nurses' Association Testing Service Examination for licensure of nurses in the State end on December 31, 2006, after which the exam standards must mirror the federal requirements.

LD 1756 **An Act To Address Emergency Licensure Procedures** **PUBLIC 474**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY SMITH N	OTP	

LD 1756 proposed to provide statutory authority for all bureaus, offices, boards and commissions within or affiliated with the Department of Professional and Financial Regulation to issue temporary licenses for 6 months if an applicant is licensed in another state.

Enacted law summary

Public Law 2005, chapter 474 provides statutory authority for all bureaus, offices, boards and commissions within or affiliated with the Department of Professional and Financial Regulation to issue temporary licenses for 6 months if an applicant is licensed in another state.

LD 1767 **An Act To Clarify the Charitable Solicitations Act** **PUBLIC 497**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS SMITH N	OTP-AM	S-469

LD 1767 proposed to:

1. Eliminate the requirement that professional fund-raising counsel carry a $25,000 surety bond;

2. Eliminate the requirement that businesses donating less than $10,000 annually to charitable organizations become registered as commercial co-venturers, in order to apply the same exemption limit to commercial co-venturers as currently applies to charitable organizations;

3. Amend the definition of “contribution” by adding an exception for money or property received from an organization, in order to produce the effect of exempting from the registration requirement individuals who contract with charitable organizations to provide grant-writing services for the purpose of obtaining money or property from organizations;

4. Correct an inconsistency between the definition of “charitable organization” and the description of entities subject to the registration requirements applicable to charitable organizations; and

5. Delete a reference to the financial report filing fee, which no longer is charged to charitable organizations receiving more than $30,000 annually in gross contributions.

Committee Amendment “A” (S-469) proposed to delete a cross-reference to the requirement that professional fund-raising counsel carry a $25,000 surety bond.

Enacted law summary

Public Law 2005, chapter 497 makes the following changes to the laws relating to charitable solicitations:

1. It eliminates the requirement that professional fund-raising counsel carry a $25,000 surety bond;

2. It eliminates the requirement that businesses donating less than $10,000 annually to charitable organizations become registered as commercial co-venturers, which applies the same exemption limit to commercial co-venturers that currently applies to charitable organizations;

3. It amends the definition of "contribution" by adding an exception for money or property received from an organization. This produces the effect of exempting from the registration requirement individuals who contract with charitable organizations to provide grant-writing services for the purpose of obtaining money or property from organizations;

4. It corrects an inconsistency between the definition of "charitable organization" and the description of entities subject to the registration requirements applicable to charitable organizations; and

5. It deletes a reference to the financial report filing fee, which is no longer charged to charitable organizations that receive more than $30,000 annually in gross contributions.

LD 1770 **An Act To Amend the Laws Governing Licensure of Workers in the Field of Radiologic Technology** **PUBLIC 511 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY SMITH N	OTP	

LD 1770 proposed to amend the laws governing the scope of practice, licensure and reciprocal licensure of workers in the field of radiologic technology.

Enacted law summary

Public Law 2005, chapter 511 amends the laws governing the scope of practice, licensure and reciprocal licensure of workers in the field of radiologic technology.

Public Law 2005, chapter 511 was enacted as an emergency measure effective March 27, 2006.

LD 1804 **An Act To Amend the Debt Collection Law** **PUBLIC 475**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN BRAUTIGAM	OTP	

LD 1804 proposed to require that out-of-state attorneys who are not licensed to practice law in Maine and whose practices primarily entail collections from Maine consumers obtain a Maine debt collector license before collecting on debts originally incurred in this State.

Enacted law summary

Public Law 2005, chapter 475 requires out-of-state attorneys who are not licensed to practice law in Maine and whose practices primarily consist of debt collections from Maine consumers to obtain a Maine debt collector license before collecting on debts in this State.

LD 1815 **An Act To Exempt Platform Lifts from the Annual Elevator Inspection** **ONTP**

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

LD 1815 proposed to exempt platform lifts from the annual elevator inspection.

LD 1827 **Resolve, Directing the Department of Professional and Financial Regulation To Study Prescription Drug Labeling Requirements** **RESOLVE 138**

Sponsor(s)	Committee Report	Amendments Adopted
THOMPSON	OTP-AM	H-763

LD 1827 proposed to require a pharmacist who fills a prescription using a generic drug to include on the prescription container the name of the drug as it appeared on the prescription.

Committee Amendment "A" (H-763) proposed to replace the bill with a resolve and proposed to direct the Department of Professional and Financial Regulation to review current statutory requirements for prescription drug labeling, pharmacy practices in the area of prescription drug labeling and methods used by pharmacists to inform consumers about their prescription drugs and any substitutions made to prescriptions. It proposed to require the department to submit findings and recommendations for best practices in the area of prescription drug labeling and consumer education to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by January 15, 2007 and recommendations. This amendment also proposed to authorize the joint standing

committee to report out legislation on prescription drug labeling practices to the First Regular Session of the 123rd Legislature.

Enacted law summary

Resolve 2005, chapter 138 directs the Department of Professional and Financial Regulation to review current statutory requirements for prescription drug labeling, pharmacy practices in the area of prescription drug labeling and methods used by pharmacists to inform consumers about their prescription drugs and any substitutions made to prescriptions. The resolve requires the department to report its findings and recommendations for best practices in the area of prescription drug labeling to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by January 15, 2007. In addition, the resolve authorizes the joint standing committee to report out legislation on prescription drug labeling practices to the First Regular Session of the 123rd Legislature.

LD 1834 **An Act To Accommodate Victims of Identity Theft** **PUBLIC 494**

Sponsor(s)	Committee Report	Amendments Adopted
GROSE	OTP-AM	H-759

LD 1834 proposed to require, if a security freeze is in place, a consumer reporting agency to expunge any information in the consumer's file that is the result of identity theft.

Committee Amendment "A" (H-759) proposed to replace the bill. It proposed to clarify that information contained in a consumer's credit report that is the result of identity theft is considered inaccurate information pursuant to the Fair Credit Reporting Act and is subject to correction by the consumer reporting agency.

Enacted law summary

Public Law 2005, chapter 494 clarifies that information contained in a consumer's credit report as a result of identity theft is considered inaccurate information for purposes of the Fair Credit Reporting Act and is subject to correction by the consumer reporting agency.

LD 1835 **Resolve, To Ensure That Consumers Are Informed of a Debit Card Hold at the Point of Sale** **RESOLVE 176**

Sponsor(s)	Committee Report	Amendments Adopted
ASH	OTP-AM	H-930

LD 1835 proposed to prohibit a merchant from placing a hold on the credit or funds available to a consumer using a credit card or debit card in excess of the actual transaction amount unless the merchant reduces the hold to the actual transaction amount within one hour of the completion of the sale. The bill proposed to establish a fine of $250 for the first violation and $1,000 for subsequent violations.

Committee Amendment "A" (H-930) proposed to change the bill to a resolve. It proposed to provide that persons, firms, partnerships, associations, corporations or limited liability companies may disclose the amount of a debit card hold in the form of a notice and also proposed to describe the forms in which the notice may be given and it specifies the information the notice must include. This amendment also proposed to require the Department of Professional and Financial Regulation, Bureau of Financial Institutions to work with interested parties to develop a consumer awareness brochure that explains debit card holds and to make the brochure available, at cost, to financial institutions and merchants. In addition, it proposed to require the Office of the Attorney General to report on the number of consumer complaints received regarding debit card hold practices to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2007.

Enacted law summary

Resolve 2005, chapter 176 provides that persons, firms, partnerships, associations, corporations or limited liability companies may disclose to customers the amount of a debit card hold in the form of a notice, describes the form and content of the notice and includes a sunset provision that repeals this portion of the resolve on December 31, 2007.

The resolve requires the Department of Professional and Financial Regulation, Bureau of Financial Institutions to work with interested parties to develop a consumer awareness brochure that explains debit card holds. It requires the bureau to make the brochure available to financial institutions and merchants. In addition, this resolve requires the Office of the Attorney General to report on the number of consumer complaints received regarding debit card hold practices to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2007.

LD 1878 **An Act To Protect Small Payroll Processors** **PUBLIC 500**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON DIAMOND	OTP-AM	H-787

LD 1878 proposed to create the Payroll Processor Recovery Fund, to be maintained by the Finance Authority of Maine and administered by the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. This bill proposed to protect employers and assist small payroll processors by giving those payroll processors the option of providing a $10,000 bond or letter of credit to the fund administrator, and the ability to then use the fund in lieu of additional surety bonds or letters of credit. The bill proposed to require the Office of Consumer Credit Regulation to provide an initial deposit into the fund and annually assess those payroll processors that opt to participate in the fund. The bill proposed to establish annual assessments against payroll processors using the fund that are equal to 1% of their total bond or letter of credit coverage requirement. The bill also proposed to clarify that supervised financial organizations acting as payroll processors are subject to regulation by the Superintendent of Financial Institutions within the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-787) proposed to add an appropriations and allocations section to the bill.

Enacted law summary

Public Law 2005, chapter 500 creates the Payroll Processor Recovery Fund, to be maintained by the Finance Authority of Maine and administered by the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The law provides payroll processors with the option to provide a $10,000 bond or letter of credit and the ability to use the fund in lieu of additional surety bonds or letters of credit. The law requires the Office of Consumer Credit Regulation to provide an initial deposit into the fund, followed by annual assessments to those payroll processors that participate in the fund. The law establishes annual assessments to participating payroll processors in an amount equal to 1% of their total bond or letter of credit coverage requirement. The law clarifies that supervised financial organizations acting as payroll processors are subject to regulation by the Superintendent of Financial Institutions within the Department of Professional and Financial Regulation.

LD 1919 **An Act To Amend the Laws Governing Real Estate Appraiser Licensing To Comply with Federal Law** **PUBLIC 518**

Sponsor(s)	Committee Report	Amendments Adopted
FARRINGTON HOBBINS	OTP-AM	H-810

LD 1919 proposed to change the license qualifications for real estate appraiser applicants to conform to the education, experience and examination requirements adopted by the federally recognized appraiser qualifications board, effective January 1, 2008. Under the provisions of Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, the appraiser qualifications board establishes the minimum education, experience and examination requirements for real estate appraisers to obtain a state license.

The bill proposed an increase in the number of appraisal-related classroom hours in addition to the requirement of an associate's degree or 21 semester credit hours of specific courses identified by the appraiser qualifications board and a bachelor's degree or 30 semester credit hours or specific courses identified by the appraiser qualifications board for applicants applying for the certified residential and certified general license level, respectively.

Committee Amendment "A" (H-810) proposed to remove references to the appraisal subcommittee from the bill and inserts correct references to the appraiser qualifications board and makes other minor technical changes.

Enacted law summary

Public Law 2005, chapter 518 amends the laws relating to real estate appraisers to comply with the education, experience and examination requirements adopted by the federally recognized appraiser qualifications board, effective January 1, 2008. The law increases the education requirements for licensure and the number of appraisal-related classroom hours. The law also requires an associate's degree or 21 semester credit hours of specific courses identified by the appraiser qualifications board and a bachelor's degree or 30 semester credit hours or specific courses identified by the appraiser

qualifications board for applicants applying for the certified residential and certified general license level, respectively.

LD 1923 **An Act To Maintain Standards for the Plumbing Profession** **PUBLIC 520**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-496

LD 1923 proposed to increase from 2,000 to 4,000 the required number of hours of work for persons who have completed college instruction in plumbing. Current law requires 4,000 hours of work in the field of plumbing installations for issuance of a journeyman plumber or limited plumber license to a person who is a licensed trainee plumber, but only 2,000 hours for a person who has satisfactorily completed one academic year of instruction in plumbing at a board-approved technical college or community college.

Committee Amendment "A" (S-496) proposed to retain the 2,000 required hours of work for a person who has completed one academic year of instruction in plumbing and adds the option of completion of a registered Department of Labor joint apprenticeship program to satisfy the requirement for a journeyman-in-training license.

Enacted law summary

Public Law 2005, chapter 520 amends the laws relating to the plumbing profession to allow the option of completion of a registered Department of Labor joint apprenticeship program to satisfy the requirement for a journeyman-in-training license.

LD 1933 **An Act To Maintain Standards for Consumers of Mechanical Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

LD 1933 proposed to establish the Heating, Cooling and Air Distribution Board within the Department of Professional and Financial Regulation and proposed to establish the powers and duties of the board, including the adoption of rules and standards governing the installation, alteration and repair of heating, cooling and air distribution equipment and enforcement of those rules and standards. The bill also proposed to create a licensing system for master, journeyman and apprentice heating, cooling and air distribution technicians.

LD 1943 **An Act Regarding Allocation of the Low-income Housing Credit by the Maine State Housing Authority** **POCKET VETO**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP-AM	S-619
SMITH N		

LD 1943 proposed to prohibit the Maine State Housing Authority from giving any preference to a bidder for purposes of awarding a contract unless that preference is specifically authorized by law or by a rule that is reviewed and authorized by the Legislature.

Committee Amendment "A" (S-619) proposed to provide that the Maine State Housing Authority may not use selection criteria in allocating the annual state housing credit ceiling for the low-income housing credit or in awarding funds to developers of multifamily housing that reward developers who require construction contractors to conform with employment standards beyond those required to comply with state or federal law.

LD 1944 **An Act To Implement Certain Recommendations of the Washington County Economic Development Task Force** **PUBLIC 637**

Sponsor(s)	Committee Report		Amendments Adopted	
RAYE	OTP-AM	MAJ	S-597	
DUGAY	OTP-AM	MIN	S-692	ROTUNDO

LD 1944 was a concept draft pursuant to Joint Rule 208. The bill proposed to implement certain recommendations of the Governor's Washington County Economic Development Task Force.

Committee Amendment "A" (S-597) was the majority report of the committee. The amendment proposed to allow the Commissioner of Economic and Community Development to establish 2 pilot Pine Tree Development Zone projects in Washington County that would allow seasonal employees in seasonal industries based on natural resources in Washington County to be considered full-time employees for the purposes of the Pine Tree Development Zone laws and would waive the qualifying business requirements for the property of the former Cutler naval computer and telecommunications station, if a for-profit business is engaged in, or will engage in, tourism development including recreational tourism, experiential tourism, hotel development and resort facility development. The amendment also proposed to provide a definition for "experiential tourism." It also proposed to require the Commissioner of Economic and Community Development to report by February 15, 2008 to the joint standing committee of the Legislature having jurisdiction over taxation matters and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the progress of the 2 pilot projects, including any proposed changes to the pilot projects. It proposed to authorize the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to report out legislation on the Washington County pilot projects to the Second Regular Session of the 123rd Legislature. The amendment included an appropriations and allocations section that provided funding for the Downeast Heritage Museum, the Incubator Without

Walls entrepreneurial workshops, the Sunrise County Economic Council and the Maine Technology Institute to supplement grants that are targeted for Washington County.

Senate Amendment "A" to Committee Amendment "A" (S-692) proposed to eliminate the funding for the Downeast Heritage Museum, the Incubator Without Walls entrepreneurial workshops and the Sunrise County Economic Council and instead proposed to appropriate one-time funds for the Washington County Development Authority to be distributed through a request for proposal process.

Enacted law summary

Public Law 2005, chapter 637 provides the Commissioner of Economic and Community Development with the authority to establish 2 pilot Pine Tree Development Zone projects in Washington County and the Downeast region. For these projects, the law allows seasonal employees in seasonal industries based on natural resources to be considered full-time employees for the purposes of the Pine Tree Development Zone laws and waives the qualifying business requirements for the property of the former Cutler naval computer and telecommunications station, if a for-profit business is engaged in, or will engage in, tourism development including recreational tourism, experiential tourism, hotel development and resort facility development. The law requires the Commissioner of Economic and Community Development to report by February 15, 2008 to the joint standing committee of the Legislature having jurisdiction over taxation matters and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the progress of the 2 pilot projects, including any proposed changes to the projects. The law authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to report out legislation on the Washington County pilot projects to the Second Regular Session of the 123rd Legislature. It also provides one-time funds for the Washington County Development Authority to be distributed through a request for proposal process.

LD 1955 **An Act To Provide Emergency Regional Economic Development Assistance for Brunswick Naval Air Station** **PUBLIC 650**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON J	OTP-AM	H-980

LD 1955 proposed to amend the Pine Tree Development Zone laws to provide eligibility for certain properties within commercial, industrial or military sites with a greater than 25% loss of employed workers over a 4-year period.

Committee Amendment "A" (H-980) proposed to replace the bill. The amendment proposed to provide for the creation of a military redevelopment zone that would allow a municipality within a labor market that contains a military facility scheduled for closure to apply to the Commissioner of Economic and Community Development to become a military redevelopment zone. It also proposed to provide that the total area available for designation as a military redevelopment zone may not exceed 1,500 acres. Up to 500 acres may be available for designation outside a military facility boundary, as long as applications are received by the commissioner by August 1, 2011. This amendment also proposed to allow up to 1,000 acres to be reserved for property within the boundaries of the military base, as long as applications are received between the date of the military facility's closure and 7 years following the date of closure. This

amendment also proposed to waive the labor market unemployment and wage restrictions for businesses located in a military redevelopment zone.

Enacted law summary

Public Law 2005, chapter 650 creates a military redevelopment zone that allows a municipality within a labor market that contains a military facility scheduled for closure to apply to the Commissioner of Economic and Community Development to become a military redevelopment zone. The law provides that the total area available for designation as a military redevelopment zone may not exceed 1,500 acres. The law establishes that up to 500 acres may be available for designation outside a military facility boundary, as long as applications are received by the commissioner by August 1, 2011 and up to 1,000 acres may be reserved for property within the boundaries of the military base, as long as applications are received between the date of the military facility's closure and 7 years following the date of closure. Finally, the law also waives the labor market unemployment and wage restrictions for businesses located in a military redevelopment zone.

LD 1957 | **An Act To Establish the Midcoast Regional Redevelopment Authority** | **PUBLIC 599 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON J	OTP-AM	H-981

LD 1957 proposed to establish a redevelopment authority for Brunswick Naval Air Station.

Committee Amendment "A" (H-981) proposed to require that a vacancy on the Midcoast Regional Redevelopment Authority be filled in the same manner as the original appointment for the balance of the unexpired term. In addition, the amendment proposed to require that bonds may not be issued by the Midcoast Regional Redevelopment Authority until the authority has received a certificate of approval from the Finance Authority of Maine authorizing issuance of the bonds.

Enacted law summary

Public Law 2005, chapter 599 establishes a redevelopment authority for Brunswick Naval Air Station that is responsible for acquiring and managing the properties within the geographic boundaries of the Brunswick Naval Air Station.

Public Law 2005, chapter 599 was enacted as an emergency measure effective April 27, 2006.

LD 2047 **An Act To Provide for the 2006 and 2007 Allocations of the State Ceiling on Private Activity Bonds** **P & S 48 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY SMITH N	OTP-AM	S-510

LD 2047 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2006 and 2007. Under federal law, a maximum of $246,610,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year in 2006 and 2007. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-510) proposed to correct the year of an allocation to the Finance Authority of Maine and correct the amount of the unallocated state ceiling for the year 2006.

Enacted law summary

Private and Special Law 2005, chapter 48 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2006 and 2007. Under federal law, a maximum of $246,610,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year in 2006 and 2007. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2005, chapter 48 was enacted as an emergency measure effective April 7, 2006.

LD 2076 **An Act Relating to Payday Loans** **PUBLIC 604**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-982

LD 2076 proposed to define "payday loan" and clarify that the Maine Consumer Credit Code applies to a payday lender, wherever located, that makes a payday loan to a consumer located in this State.

Committee Amendment "A" (H-982) proposed to replace the bill. This amendment proposed to provide for the integration of the regulation of Internet-based payday lending into the Maine Consumer Credit Code. It proposed to add a definition of "payday loan" in the definition section of the Code and amend the territorial application provision of the Code to clarify that it applies to payday lenders, wherever located, that make payday loans to consumers in this State.

Enacted law summary

Public Law 2005, chapter 604 provides for the integration of the regulation of Internet-based payday lending into the Maine Consumer Credit Code. The law includes the definition of "payday loan" in the definition section of the Code and amends the territorial application provision of the Code to clarify that it applies to payday lenders, wherever located, that provide payday loans to consumers in this State.

LD 2089 **An Act To Amend the Laws Governing Home Construction Contracts To Increase Consumer Awareness** **PUBLIC 619**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-1006

LD 2089 proposed to require residential construction contractors to register with the Department of Professional and Financial Regulation to provide consumers with access to relevant financial and business information regarding registered contractors and proposed to require the use of a model contract and change order contract and proposed to establish a public complaint process that would be conducted electronically over the Internet.

Committee Amendment "A" (H-1006) proposed to replace the bill. This amendment proposed to require that home construction contracts for more than $3,000 include as an addendum consumer protection information on home construction and repair as it is provided on the Attorney General's publicly accessible website, as well as a clear and conspicuous notice that states consumers are strongly advised to visit the Attorney General's publicly accessible website to gather information on how to enforce their rights when constructing or repairing their home.

This amendment also proposed to require the Attorney General and the Criminal Law Advisory Commission to review provisions in the Maine Criminal Code that are available to prosecute home building and improvement contractors that engage in deceptive and fraudulent business practices and determine whether any changes in the criminal code are appropriate. It also provides that any proposed changes to the code be submitted to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as well as the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by February 1, 2007.

Enacted law summary

Public Law 2005, chapter 619 requires home construction contracts to include as an addendum consumer protection information on home construction and repair as it is provided on the Attorney General's publicly accessible website as well as a clear and conspicuous notice that states consumers are strongly advised to visit the Attorney General's publicly accessible website to gather information on how to enforce their rights when constructing or repairing their home. The law requires the Attorney General and the Criminal Law Advisory Commission to review provisions in the Maine Criminal Code that are available to prosecute home building and improvement contractors that engage in deceptive and fraudulent business practices and determine whether any changes in the criminal code are appropriate. The law requires that proposed changes to the code be submitted to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as well as the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by February 1, 2007.

LD 2091 **An Act To Make Changes to the Laws Regarding Pine Tree Development Zones** **PUBLIC 669**

Sponsor(s)	Committee Report	Amendments Adopted
DRISCOLL	OTP-AM MAJ	H-1026
	ONTP MIN	H-1065 DRISCOLL

LD 2091 proposed to allow the designation of a Pine Tree Development Zone on any industrial site that has sustained a minimum loss of 500 workers during the prior 5 years.

Committee Amendment "A" (H-1026) proposed to require that applications for a waiver of the Pine Tree Development Zone wage and unemployment requirements for property contained within an industrial site that has sustained a minimum loss of 500 workers be received by August 1, 2010.

House Amendment "A" to Committee Amendment "A" (H-1065) proposed to provide that only a qualified business with a base level of employment equal to zero is eligible to receive Pine Tree Development Zone benefits under the provisions of the laws governing Pine Tree Development Zones that determine eligibility of property based on a recent loss of population or jobs.

Enacted law summary

Public Law 2005, chapter 669 establishes a waiver of the Pine Tree Development Zone labor market unemployment rate and wage requirements for property that is contained within an industrial site that has sustained a minimum loss of 500 employed workers during the 5-year period preceding the time of application for Pine Tree Development Zone benefits. The law requires that qualified businesses have a base level of employment equal to zero in order to be eligible for these benefits. In addition, the law requires that applications for a waiver under this section be received by August 1, 2010.

LD 2099 **Resolve, To Provide Assistance to Heating Fuel Customers Who Enter into Prepaid Contracts That Are Not Honored** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	ONTP	
GAGNON		

LD 2099 was a concept draft pursuant to Joint Rule 208. This resolve proposed to provide a one-time means of financial assistance to customers who enter into prepaid heating fuel contracts that are not honored by the heating fuel supplier.

LD 2101 **An Act Regarding Prepaid Contracts for Heating Fuel** **PUBLIC 632**

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN GAGNON	OTP-AM	H-1025

LD 2101, which was based on legislation introduced in Vermont, proposed to establish requirements for prepaid contracts for home heating oil, kerosene or liquefied petroleum gas. The bill proposed to prohibit a home heating oil, kerosene or liquefied petroleum gas dealer from entering into a prepaid contract to provide home heating oil, kerosene or liquefied petroleum gas with a consumer unless that dealer has obtained futures contracts, a surety bond or a letter of credit.

Committee Amendment "A" (H-1025) proposed to make a technical correction to the bill to provide a consistent reference to the type of security required for prepaid contracts.

Enacted law summary

Public Law 2005, chapter 632 establishes requirements for prepaid contracts for home heating oil, kerosene or liquefied petroleum gas. The law prohibits home heating oil, kerosene or liquefied petroleum gas dealers from entering into prepaid contracts to provide home heating oil, kerosene or liquefied petroleum gas to consumers unless the dealer has obtained futures contracts, a surety bond or a letter of credit.

SP 0847 **ORDERED, the House concurring, that the Joint Select Committee on Research, Economic Development and the Innovation Economy is established as follows:** **PASSED**

Sponsor(s)	Committee Report	Amendments Adopted
		S-624

Senate Paper, SP 847, was read and passed by the Legislature, as amended by Senate Amendment "A" (S-624), on April 26, 2006. This paper established the Joint Select Committee on Research, Economic Development and the Innovation Economy. The purpose of the Joint Select Committee is to prepare recommendations to expand research and economic development opportunities in the State.

LD 10 **Resolve, To Fund a Study Regarding Health Care for Maine's Firefighters** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	H-723
	ONTP	MIN	

LD 10 proposed to appropriate $75,000 to the Maine Fire Protection Services Commission to contract for services to conduct a study regarding the provision of health care benefits to firefighters in this State.

LD 10 was carried over by H.P. 1203 to the next regular or special session of the 122nd Legislature. The Maine Fire Protection Services Commission, with the help of the Department of Administrative and Financial Services, Bureau of Health Insurance, was directed to work on the bill during that interim.

Committee Amendment "A" (H-723) was the majority report of the Criminal Justice and Public Safety Committee. The amendment proposed to amend the resolve to provide funding in fiscal year 2006-07 to the Maine Fire Protection Services Commission to conduct a study regarding the provision of health care benefits to firefighters in this State. Committee Amendment "A" was never removed from the Special Appropriations Table and died on adjournment.

LD 17 **An Act To Ensure Fair Reimbursement for the Medical Care Provided to State Inmates** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
RECTOR	OTP-AM	MAJ	
SNOWE-MELLO	ONTP	MIN	

LD 17 proposed to repeal the language that established MaineCare rates as the reimbursement rate for medical services provided to state inmates outside of correctional or detention facilities. By repealing this section, the bill proposed to require the State or its contracted medical provider to negotiate fair reimbursement rates for medical care provided to state inmates.

Committee Amendment "A" (H-118) proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to limit the damages that could be awarded against a medical service provider on a tort claim arising out of the provision of medical services to a person being held in a state, county or municipal correctional or detention facility and would have applied to services provided inside the facility and outside the facility. This amendment would have been analogous to the provisions limiting damages awards against governmental employees and entities found in the Maine Tort Claims Act, including a provision that would make its limits applicable to wrongful death actions. The amendment also proposed to provide that the Maine Health Security Act's provisions, including those governing the mandatory prelitigation screening process, continue to apply.

The amendment also proposed to require that a payment for a medical service provided to a person residing in a Department of Corrections facility that is provided outside the facility and for which the

department or its contracted medical provider is liable must be made within 30 days of receipt of proof of the service rendered. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-127) proposed to provide that the Department of Corrections or the department's contracted medical service provider shall pay to a provider of a medical service for a person residing in a correctional or detention facility an amount no less than 150% of the reimbursement rate applicable to that provider and that service as established for the Medicare program. The amendment also proposed to add an appropriations and allocations section. This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-247) proposed to provide that the Department of Corrections or the department's contracted medical service provider shall pay to a provider of a medical service for a person residing in a correctional or detention facility an amount no less than 125% of the reimbursement rate applicable to that provider and that service as established for the Medicare program. The amendment also proposed to add an appropriations and allocations section. This amendment was not adopted.

LD 17 was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature. The bill was substituted for the Committee Amendment.

LD 17 was never removed from the Special Appropriations Table and died on adjournment.

LD 1018 **An Act To Require a Criminal Background Check for the Initial Licensure of Emergency Medical Services Personnel** **PUBLIC 681**

Sponsor(s)	Committee Report		Amendments Adopted
SYKES	OTP-AM	MAJ	H-472
	OTP-AM	MIN	

LD 1018 proposed to specify that a criminal background check is required only for an applicant for initial licensure as an emergency medical services person. For purposes of EMS licensing now, pursuant to board policy a person must renew a background check every 3 years. The board is authorized by law to establish EMS licensing requirements.

Committee Amendment "A" (H-472) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to clarify what is intended by a criminal history record check and conform the language and the process to other statutes regarding the use of criminal history record information for employment or licensing purposes. In order to ensure that all licensed emergency medical services providers are subject to a criminal history record check, the amendment also proposed to specify that those persons who already have a license to provide emergency medical services but never had a criminal history record check must submit to a check at the time they apply for license renewal. Applicants who were subject to a criminal history record check at initial licensure would not be subject to a check at renewal.

Committee Amendment "B" (H-473) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to clarify what is intended by a criminal history record check and conform the language and the process to other statutes regarding the use of

criminal history record information for employment or licensing purposes. This amendment was not adopted.

LD 1018 was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature. LD 1018 was removed from the Special Appropriations Table and enacted.

Enacted law summary

Public Law 2005, chapter 681 specifies that a criminal background check is required only for an applicant for initial licensure as an emergency medical services person. For purposes of EMS licensing until now, pursuant to board policy a person was required to renew a background check every 3 years. Public Law 2005**,** chapter 681 supersedes this board-adopted licensing requirement. Public Law 2005, chapter 681 also clarifies what is intended by a criminal history record check and conforms the language and the process to other statutes regarding the use of criminal history record information for employment or licensing purposes. In order to ensure that all licensed emergency medical services providers are subject to a criminal history record check, Public Law 2005, chapter 681 also specifies that those persons who already have a license to provide emergency medical services but never had a criminal history record check must submit to a check at the time they apply for license renewal.

LD 1140 **Resolve, Directing the State Police and the County Sheriff's Departments To Enter into a Call-sharing Agreement** **ONTP**

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

LD 1140 proposed to direct the Department of Public Safety, Bureau of State Police and the county sheriff's departments to enter into a call-sharing agreement.

Committee Amendment "A" (H-724) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to direct the Department of Public Safety, Bureau of State Police to enter into a call-sharing agreement with each county sheriff's department. In order to recognize the different levels of staffing and the law enforcement needs of each county, the amendment proposed to authorize the parties to base each agreement on factors that are mutually agreeable to each party. Instead of requiring the call-sharing agreement to be restricted only to assigning responsibility of 1/2 of the coverage to the county for a period and 1/2 to the State Police and then switching, the amendment proposed to give the parties the flexibility to determine what would work best in each county. The amendment also proposed to add a mandate preamble. This amendment was not adopted.

LD 1709 **An Act To Provide for the Issuance of a Bench Warrant upon Failure To Appear for a Hearing on Nonpayment of a County Jail Reimbursement Fee** **PUBLIC 502**

Sponsor(s)	Committee Report	Amendments Adopted
CROSTHWAITE RAYE	OTP-AM	H-792

LD 1709 proposed that if a person's default on payment of jail reimbursement fees is a violation of a condition of probation, that probation may be revoked, and that if a payment of the fee is not a condition of probation, the State may file a motion to enforce payment of the fee. LD 1709 also proposed to provide for the issuance of a bench warrant in the event that a defendant does not appear after notice of a hearing on a motion to enforce payment of a jail reimbursement fee. LD 1709 proposed to conform the language regarding collection of jail reimbursement fees to the language regarding actions to collect unpaid fines and unpaid restitution.

Committee Amendment "A" (H-792) proposed to insert "attorney for the county" where appropriate in the Maine Revised Statutes, Title 17-A, section 1341, subsections 5 and 6. This change proposed to authorize those counties that "outsource" legal work to use private counsel instead of the district attorney's office to handle the defaulted jail reimbursement fees. The amendment also proposed to delete ambiguous language regarding the procedure for reporting to the court. This proposed change would eliminate confusion regarding the action required of the courts if an attorney for the State or an attorney for the county reported a default but did not file a motion.

Enacted law summary

Public Law 2005, chapter 502 specifies that if a person's default on payment of jail reimbursement fees is a violation of a condition of probation, that probation may be revoked. If a payment of the fee is not a condition of probation, the attorney for the county may file a motion to enforce payment of the fee. Public Law 2005, chapter 502 also provides for the issuance of a bench warrant in the event that a defendant does not appear after notice of a hearing on a motion to enforce payment of a jail reimbursement fee. Public Law 2005, chapter 502 eliminates ambiguity in the law and conforms the language regarding collection of jail reimbursement fees to the language regarding actions to collect unpaid fines and unpaid restitution.

LD 1716 **An Act To Require Presentence Investigations of All Persons Convicted of a Sex Offense** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 1716 proposed to require that every person who is convicted of a sex offense under the Maine Revised Statutes, Title 17-A, chapter 11 or 12, undergo a presentence investigation conducted by the Department of Corrections prior to the court's imposing a sentence.

LD 1717 **An Act Regarding the Sentencing of Persons Convicted of Gross Sexual Assault against Victims under 12 Years of Age** **PUBLIC 673**

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	H-1058
	OTP-AM	MIN	

LD 1717 proposed to create a 25-year minimum mandatory sentence of imprisonment followed by probation for life for persons convicted of gross sexual assault against persons who have not attained 12 years of age and to require that these persons, when released from prison, be subject to supervision by the Department of Corrections that includes electronic monitoring for the duration of the probation. The bill also proposed to create a mandatory life sentence of imprisonment for a person convicted of gross sexual assault against another person who has not attained 12 years of age if that person has a prior conviction for gross sexual assault, rape or gross sexual misconduct against a victim who had not attained 12 years of age.

Committee Amendment "C" (H-1058) was the final majority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment was adopted after the bill was recommitted to the committee. This amendment proposed to replace the bill and to make the following changes to the sentencing laws.

The amendment proposed to amend the Maine Revised Statutes, Title 17-A, chapter 50, which deals with the supervised release of sex offenders, by specifying that supervised release is not discretionary but required for persons convicted of committing gross sexual assault against a person under 12 years of age. The period of supervised release commences on the date the person is released from confinement, runs for the duration of the person's life and must include the best available monitoring technology. The amendment also proposed to specify that if the court revokes a period of supervised release, the court shall require the person to serve time in prison under the custody of the Department of Corrections. This time in prison may equal all or part of the period of supervised release, without credit for time served on post-release supervision and without any limitations based on the prior term of imprisonment, as current law requires. The remaining portion of the period of supervised release that is not required to be served in prison remains in effect to be served after the person's release and again is subject to revocation, if warranted.

The amendment also proposed to specify that if the State pleads and proves that the crime of gross sexual assault was committed against a person who had not yet attained 12 years of age, the court shall impose a definite term of imprisonment for any term of years. In determining the basic term of imprisonment as the first step in the sentencing process, pursuant to Title 17-A, section 1252-C, subsection 1, the amendment proposed that the court shall select a term of at least 20 years.

Committee Amendment "D" (H-1059) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety after the bill was recommitted to the committee. This amendment was the same amendment as the minority report, Committee Amendment "A" (H-794) and was not adopted.

Committee Amendment "A" (H-794) was one of 2 initial minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to correct a drafting error in the bill in order to reflect the bill's original intent, which was to create a 25-year minimum mandatory

sentence of imprisonment followed by probation for life for a first offense gross sexual assault against a person who has not attained 12 years of age. This amendment was not adopted.

Committee Amendment "B" (H-795) proposed to replace the bill and was one of 2 initial minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to create at least a 25-year minimum mandatory sentence of imprisonment for a 2nd offense of gross sexual assault against a person who has not attained 12 years of age. This amendment was not adopted.

House Amendment "A" (H-837) proposed to replace the bill and to make the following changes to the sentencing laws.

1. The amendment proposed to direct the court to impose a sentencing alternative of a term of imprisonment for any term of years or a term of life for a person convicted of committing gross sexual assault against a person who has not attained 12 years of age.

2. The amendment proposed to require that, if a person does not receive a sentence of imprisonment for life for committing gross sexual assault against a person who has not attained 12 years of age, the court shall then impose a period of supervised release for life following the period of imprisonment. For this offense, a person would be sentenced to supervised release instead of having a sentencing alternative of probation.

3. The amendment proposed to amend the Maine Revised Statutes, Title 17-A, chapter 50, which deals with the supervised release for sex offenders, by specifying that supervised release after release from prison is not discretionary but required for persons convicted of committing gross sexual assault against a person under 12 years of age. The amendment also specifies that if the court revoked a period of supervised release the court would have to require the person to serve time in prison under the custody of the Department of Corrections. This time in prison could equal all or part of the period of supervised release, without credit for time served on post-release supervision and without any limitations based on the prior term of imprisonment, as current law requires. The remaining portion of the period of supervised release that was not required to be served in prison would remain in effect to be served after the person's release and again would be repeatedly subject to revocation, if warranted. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-1021) proposed to replace the bill with the essential elements of LD 2108.

As amended, the bill proposed to require a court, in a case involving gross sexual assault against a victim who has not yet attained 12 years of age, to specify a term of imprisonment for any term of years, including a term that exceeds 30 years, which is the maximum allowed for a Class A crime. In making its determination, the court would be required to start with a basic period of imprisonment of 20 years; using that term as a starting point, the court could then increase or decrease the term of imprisonment based upon all other relevant sentencing factors, both aggravating and mitigating, appropriate to that case. These sentencing factors include, but are not limited to, the character of the offender and the offender's criminal history, the effect of the offense on the victim and the protection of the public interest.

This amendment also proposed to impose probation for life for persons convicted of gross sexual assault against persons who have not attained 12 years of age and to require that these persons, when released from prison, be subject to supervision by the Department of Corrections that includes electronic monitoring for the duration of the probation. This amendment was not adopted.

House Amendment "A" to Committee Amendment "C" (H-1062) proposed to create a 25-year minimum mandatory sentence of imprisonment followed by probation for life for persons convicted of gross sexual assault against persons who have not attained 12 years of age and to require that these persons, when released from prison, be subject to supervision by the Department of Corrections that includes electronic monitoring for the duration of the probation. The amendment also proposed to create a mandatory life sentence of imprisonment for a person convicted of gross sexual assault against another person who has not attained 12 years of age if that person has a prior conviction for gross sexual assault, rape or gross sexual misconduct against a victim who had not attained 12 years of age. This amendment was not adopted.

House Amendment "B" (H-970) proposed to replace the bill and create the new crime of aggravated gross sexual assault. A person would have been guilty of aggravated gross sexual assault if that person engaged in a sexual act with another person who had not yet attained 12 years of age and who submitted as a result of the use of physical force, a threat to use physical force or a combination thereof that made the other person unable to physically repel the actor or produced in that other person a reasonable fear that death, serious bodily injury or kidnapping might be imminently inflicted upon that other person or another human being. The amendment proposed that a violation of aggravated gross sexual assault would be subject to a minimum sentence of incarceration of 25 years, none of which could be suspended. When released from prison, a person convicted of aggravated gross sexual assault would be subject to supervision, including electronic monitoring, by the Department of Corrections for the duration of the probation. This amendment was not adopted.

House Amendment "B" to Committee Amendment "C" (H-1070) proposed to prohibit a person who is convicted and sentenced as a 10-year registrant or as a lifetime registrant under the Sex Offender Registration and Notification Act of 1999 from establishing or maintaining a residence or a domicile in a municipality that does not have its own police department or other law enforcement agency that is capable of responding to any call within 5 minutes. This amendment was not adopted.

House Amendment "C" (H-978) proposed to retain the mandatory minimum sentences of imprisonment specified in the bill of 25 years for a person who is convicted of gross sexual assault when the victim is less than 12 years of age and life for a repeat offender, except that this amendment proposed to allow the court to impose a minimum sentence of 10 years for a first-time offender and a minimum sentence of 25 years for a repeat offender if the prosecuting attorney and the legal guardian of the victim submit a statement that, while a longer term of imprisonment is appropriate, the harm to the victim from requiring the victim to testify exceeds the benefit to society of incarcerating the defendant for a longer period of time. This amendment was not adopted.

House Amendment "C" to Committee Amendment "C" (H-1071) proposed to change the names of the crimes of gross sexual assault and sexual abuse of a minor to rape and child molestation. The amendment also proposed to require the Department of Public Safety, State Bureau of Identification to distribute information contained in the sex offender registry to town clerks of towns that do not have police departments. The amendment also proposed to require a law enforcement agency to notify the bureau by electronic mail if the law enforcement agency has a registrant in its custody. This amendment was not adopted.

House Amendment "D" (H-979) proposed to strike the provisions of the bill that apply a 25-year sentence of imprisonment to a person who commits gross sexual assault against a victim who has not yet attained 12 years of age and a life sentence of imprisonment for a person who has previously been convicted of committing gross sexual assault against a victim who has not yet attained 12 years of age. Under the bill, neither sentence may be suspended by the court.

The amendment proposed instead to authorize a term of imprisonment for any term of years, including a term that exceeds 30 years, the maximum term of imprisonment for a Class A crime.

This amendment proposed to specify that the basic period of imprisonment for a person who commits gross sexual assault against a victim who has not yet attained 12 years of age is 20 years. Under current law, the court may increase or decrease the term of imprisonment based upon all other relevant sentencing factors, both aggravating and mitigating, appropriate to that case. These sentencing factors include, but are not limited to, the character of the offender and the offender's criminal history, the effect of the offense on the victim and the protection of the public interest. This amendment was not adopted.

House Amendment "D" to Committee Amendment "C" (H-1072) proposed to prohibit a registrant under the Sex Offender Registration and Notification Act of 1999 from residing within 1,000 feet of the residence of any child, a school, a licensed child care facility, a certified home day care provider or a playground. This amendment was not adopted.

House Amendment "E" to Committee Amendment "C" (H-1073) proposed to provide a procedure for the commitment of a person determined to be a sexually violent predator if a court finds that the person has a mental abnormality or personality disorder that makes it likely that the person will engage in predatory acts of sexual violence if not confined in a secure facility. The amendment proposed to provide protections, care and treatment to a person who is committed and to provide an annual review of each case. The amendment proposed that notice of release or discharge is required for victims, witnesses and other persons identified by the prosecuting attorney. This amendment proposed to designate the Commissioner of Corrections and the Commissioner of Health and Human Services as responsible for providing secure facilities for sexually violent predators. This amendment proposed to coordinate release from a secure facility for sexually violent predators with supervised release for sex offenders under the Maine Revised Statutes, Title 17-A, chapter 50. The amendment also proposed to add an appropriations and allocations section. This amendment was not adopted.

House Amendment "F" to Committee Amendment "C" (H-1075) proposed to create the new crime of aggravated gross sexual assault. A person would have been guilty of aggravated gross sexual assault if that person engaged in a sexual act with another person who had not yet attained 12 years of age and who submitted as a result of the use of physical force, a threat to use physical force or a combination thereof that made the other person unable to physically repel the actor or produced in that other person a reasonable fear that death, serious bodily injury or kidnapping might be imminently inflicted upon that other person or another human being. The amendment proposed that a violation of aggravated gross sexual assault would be subject to a minimum sentence of incarceration of 25 years, none of which could be suspended. When released from prison, a person convicted of aggravated gross sexual assault would be subject to supervision, including electronic monitoring, by the Department of Corrections for the duration of the probation. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 673 amends the Maine Revised Statutes, Title 17-A, chapter 50, which deals with the supervised release of sex offenders, by specifying that supervised release is not discretionary but required for persons convicted of committing gross sexual assault against a person under 12 years of age. The period of supervised release commences on the date the person is released from confinement, runs for the duration of the person's life and must include the best available monitoring technology. Public Law 2005, chapter 673 specifies that if the court revokes a period of supervised release, the court shall require the person to serve time in prison under the custody of the Department of Corrections. This time in

prison may equal all or part of the period of supervised release, without credit for time served on post-release supervision and without any limitations based on the prior term of imprisonment, as current law requires. The remaining portion of the period of supervised release that is not required to be served in prison remains in effect to be served after the person's release and again is subject to revocation, if warranted.

Public Law 2005, chapter 673 also specifies that if the State pleads and proves that the crime of gross sexual assault was committed against a person who had not yet attained 12 years of age, the court shall impose a definite term of imprisonment for any term of years. In determining the basic term of imprisonment as the first step in the sentencing process, pursuant to Title 17-A, section 1252-C, subsection 1, the court shall select a term of at least 20 years.

LD 1718 **An Act To Amend the Law Relating to the Crime of Visual Sexual Aggression against a Child** **PUBLIC 655**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-766
		H-826 BLANCHETTE

LD 1718 proposed to amend the violation of privacy law to make it a Class C crime if the victim of the crime has not in fact attained 16 years of age at the time of the offense. Violation of privacy is currently a Class D crime.

Committee Amendment "A" (H-766) proposed to replace the bill and amend the crime of visual sexual aggression against a child, instead of amending the crime of violation of privacy. This amendment proposed to create a new version of visual sexual aggression against a child that requires that, for the purpose of arousing or gratifying sexual desire, a person at least 18 years of age intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person in a private place. The crime also proposed to provide that the victim is not the actor's spouse and has not in fact attained 14 years of age, and that the act is carried out under circumstances in which a reasonable person would expect to be safe from such visual surveillance. The amendment proposed that the new crime is a Class D crime, unless committed against a person who has not attained 12 years of age, in which case it is a Class C crime.

The crime of visual sexual aggression against a child falls within chapter 11 of the Maine Criminal Code, which means that a person convicted of the Class D version, as well as the Class C version of this crime, may be subject to the sentencing alternative of probation. As proposed this amendment also makes the person convicted of this prohibited conduct subject to the requirements of the Sex Offender Registration and Notification Act of 1999.

House Amendment "A" to Committee Amendment "A" (H-826) proposed to restore language that was inadvertently omitted from the committee amendment.

Enacted law summary

Public Law 2005, chapter 655 creates a new version of visual sexual aggression against a child that requires that, for the purpose of arousing or gratifying sexual desire, a person at least 18 years of age

intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person in a private place. The crime also provides that the victim is not the actor's spouse and has not in fact attained 14 years of age, and that the act is carried out under circumstances in which a reasonable person would expect to be safe from such visual surveillance. This new crime is a Class D crime, unless committed against a person who has not attained 12 years of age, in which case it is a Class C crime.

The crime of visual sexual aggression against a child falls within chapter 11 of the Maine Criminal Code, which means that a person convicted of the Class D version, as well as the Class C version of this crime, may be subject to the sentencing alternative of probation. This amendment also makes the person convicted of this prohibited conduct subject to the requirements of the Sex Offender Registration and Notification Act of 1999.

LD 1721 **Resolve, Creating a Forensic Board To Manage the Release of Certain Sex Offenders** **RESOLVE 132**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 1721 proposed to direct the Department of Corrections, in cooperation with the Department of Health and Human Services, the judiciary branch and other interested parties, to develop a plan to create a forensic board to periodically review the safety of releasing persons convicted of certain sex offenses after those persons have served at least a minimum number of years of imprisonment. LD 1721 proposed that the Department of Corrections would recommend persons to serve on the forensic board and would recommend processes for the board to employ, including the use of recognized risk assessment tools and other measurements and standards, to determine whether a person would be appropriately released and under what conditions or to determine that the person must continue to remain incarcerated until the next forensic review. In addition to making recommendations regarding the development of a forensic board, the bill proposed that the Department of Corrections would identify the types of treatment that persons convicted of sex offenses receive while incarcerated and any data measuring the success and failure of such treatments. The bill proposed to direct the Department of Corrections to report its findings and recommendations, including proposed legislation to implement a forensic board, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by December 30, 2006.

Enacted law summary

Resolve 2005, chapter 132 directs the Department of Corrections, in cooperation with the Department of Health and Human Services, the judiciary branch and other interested parties, to develop a plan to create a forensic board to periodically review the safety of releasing persons convicted of certain sex offenses after those persons have served at least a minimum number of years of imprisonment. The Department of Corrections will recommend persons to serve on the forensic board and will recommend processes for the board to employ, including the use of recognized risk assessment tools and other measurements and standards, to determine whether a person is appropriately released and under what conditions or to determine that the person must continue to remain incarcerated until the next forensic review. In addition to making recommendations regarding the development of a forensic board, the Department of Corrections must identify the types of treatment that persons convicted of sex offenses are receiving while

incarcerated and any data measuring the success and failure of such treatments. Resolve 2005, chapter 132 directs the Department of Corrections to report its findings and recommendations, including proposed legislation to implement a forensic board, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by December 30, 2006.

LD 1722 **An Act To Expand the List of Prior Crimes That May Be Considered When Determining Whether a Person Is a Repeat Sexual Assault Offender** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 1772 proposed to expand the list of prior crimes in the definition of "repeat sexual assault offender" to include offenses that were initially charged by the prosecuting attorney as gross sexual assault, gross sexual misconduct, rape, attempted murder accompanied by sexual assault or murder accompanied by sexual assault, but the conviction was for a different crime.

LD 1759 **An Act To Strengthen Maine's Timber Theft Laws** **PUBLIC 546**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM	S-517

LD 1759 proposed to require that a copy of the measurement tally sheet or stumpage sheet for each truckload or harvested forest products transported to a handling or processing facility, in accordance with Title 10, section 2364-A, subsection 2-G, be provided to the landowner when the person conducting a harvest operation pays the landowner. The bill proposed that full payment for each truckload of harvested forest products transported to a handling or processing facility must be made to the landowner within 30 days of delivery.

LD 1759 proposed to establish a penalty of not less than $300 for the first offense and a fine of $500 for any subsequent offense within 5 years of the first offense. The bill also proposed to make it a Class E crime if a person violates the section 2 or more times within 5 years.

Committee Amendment "A" (S-517) proposed to replace the bill and to do the following:

1. Clarify definition provisions;

2. Specify that, absent a written contract to the contrary, the person conducting the harvest operation shall provide the landowner with full payment for each truckload of harvested forest products transported to a handling or processing facility within 45 days of delivery;

3. Redraft the penalty section to establish a fine of not more than $1,000 for the first violation, a fine of not more than $2,000 for a 2nd violation within a 5-year period and a Class E crime if a person commits a violation 3 or more times within a 5-year period;

4. Create a restitution provision, which directs the court in accordance with the requirements of the Maine Revised Statutes, Title 17-A, chapter 54, when appropriate, to order restitution on the basis of an adequate factual foundation. The amendment proposed that the amount of restitution may be determined by using the measured volume of the harvested forest products as listed on the measurement tally sheet or stumpage sheet in accordance with Title 10, section 2364-A, subsection 2 and by the terms of the sales contract according to the measurement procedures set forth in Title 10, section 2363-A that are applicable to a sale of wood; and

5. Direct the Commissioner of Conservation to report by March 1, 2008 to the joint standing committee of the Legislature having jurisdiction over criminal justice matters, observations regarding the effectiveness of the new penalties in deterring timber theft.

Enacted law summary

Public Law 2005, chapter 546 specifies that, absent a written contract to the contrary, a person conducting a forest harvest operation shall provide the landowner with full payment for each truckload of harvested forest products transported to a handling or processing facility within 45 days of delivery. Public Law 2005, chapter 546 establishes a fine of not more than $1,000 for the first violation, a fine of not more than $2,000 for a 2nd violation within a 5-year period and a Class E crime if a person commits a violation 3 or more times within a 5-year period. Public Law 2005, chapter 546 also creates a restitution provision, which directs the court in accordance with the requirements of the Maine Revised Statutes, Title 17-A, chapter 54, when appropriate, to order restitution on the basis of an adequate factual foundation. The amount of restitution may be determined by using the measured volume of the harvested forest products as listed on the measurement tally sheet or stumpage sheet in accordance with Title 10, section 2364-A, subsection 2 and by the terms of the sales contract according to the measurement procedures set forth in Title 10, section 2363-A that are applicable to a sale of wood. Finally, Public Law 2005, chapter 546 directs the Commissioner of Conservation to report by March 1, 2008 to the joint standing committee of the Legislature having jurisdiction over criminal justice matters observations regarding the effectiveness of the new penalties in deterring timber theft.

LD 1771 **An Act To Amend the Maine Criminal Code and Various Provisions Related to Juveniles** **PUBLIC 507**

Sponsor(s)	Committee Report		Amendments Adopted
DIAMOND	OTP-AM	MAJ	S-472
	ONTP	MIN	

LD 1771 was a Department of Corrections bill that proposed to do the following:

1. Eliminate confusion in the law by substituting in Title 15 and Titles 12 and 29-A concerning juveniles convicted of adult offenses the term “confinement” for the term “detention” when referring to a certain disposition. “Detention” refers to pre-adjudication or pre-conviction placement. “Confinement” refers to short term placement flowing a conviction or adjudication. “Commitment” refers to indeterminate correctional placement after adjudication for a juvenile offense. The bill also proposed to clarify the definition of “juvenile client” to capture all of these classifications of status;

2. Require that any credits for related time served in detention prior to sentencing be deducted from any order of confinement; however, good time provisions do not apply to detention for juveniles;

3. Specify that persons who are arrested on a juvenile warrant but are more than 21 years of age at the time of the arrest are to be detained in adult facilities until they appear before the court. Current law requires persons arrested on a juvenile warrant to be detained in juvenile facilities, but current law also specifies that juvenile facilities may not house persons over 18 years of age. The bill proposed to clarify that a person over 21 must be detained with adults, and if a juvenile who is between 18 and 21 years of age is bound over, detention with adults will continue to occur, if ordered by the court;

4. Clarify in Title 15 that the bail process is not available for a person under 18 years of age charged with an adult Title 12 or 29-A offense; however, juveniles are still subject to the rules of detention in the Juvenile Code;

5. Apply the pre-petition confidentiality provisions to juvenile crimes relating to the operation of a motor vehicle while under the influence of alcohol or drugs. This change proposed to clarify that the confidentiality provision regarding a juvenile against whom a petition has not been filed applies also to those juveniles against whom a petition may be filed without a recommendation from a juvenile community corrections officer;

6. Add to the Juvenile Code a cross-reference to a Criminal Code restitution provision that was recently enacted regarding joint and several responsibility, so that joint and several responsibility also applies to restitution in juvenile cases;

7. Add a cross-reference in the fine provision of the Maine Juvenile Code to a recently enacted juvenile crime law and clarify that mandatory minimum fine provisions are not applicable to juveniles;

8. Clarify in Title 17-A that when the running of the period of probation is tolled due to pending probation violation proceedings, the conditions of probation continue to apply during the tolled period; and

9. Codify in Title 17-A the Law Court's ruling that when there are consecutive sentences, detention time can only be counted once; this would also apply to probation revocations.

Committee Amendment "A" (S-472) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to add the term "confined" in a provision that was inadvertently omitted from the bill. The amendment also proposed to add language to the Maine Bail Code that is consistent with the change proposed by the bill to the Maine Juvenile Code, making it clear that the bail process is not available for a juvenile charged with an adult crime under the Maine Revised Statutes, Title 12 or 29-A.

Enacted law summary

Public Law 2005, chapter 507 was proposed by the Department of Corrections and makes changes to the Maine Juvenile Code, Criminal Code and Bail Code. The changes are as follows.

To eliminate confusion, Public Law 2005, chapter 507 substitutes in Title 15 and Titles 12 and 29-A concerning juveniles convicted of adult offenses the term "confinement" for the term "detention" when referring to a certain disposition. "Detention" refers to pre-adjudication or pre-conviction placement.

"Confinement" refers to short term placement flowing a conviction or adjudication. "Commitment" refers to indeterminate correctional placement after adjudication for a juvenile offense.

Public Law 2005, chapter 507 requires that any credits for related time served in detention prior to sentencing be deducted from any order of confinement. Good time provisions do not apply to detention for juveniles.

Public Law 2005, chapter 507 specifies that persons who are arrested on a juvenile warrant but are more than 21 years of age at the time of the arrest are to be detained in adult facilities until they appear before the court. Public Law 2005, chapter 507 clarifies that a person over 21 must be detained with adults, and if a juvenile who is between 18 and 21 years of age is bound over, detention with adults will continue to occur, if ordered by the court.

Public Law 2005, chapter 507 clarifies that the bail process is not available for a person less than 18 years of age charged with an adult Title 12 or Title 29-A offense; however, juveniles are still subject to the rules of detention in the Juvenile Code.

Public Law 2005, chapter 507 applies the pre-petition confidentiality provisions to juvenile crimes relating to the operation of a motor vehicle while under the influence of alcohol or drugs. The confidentiality provision regarding a juvenile against whom a petition has not been filed applies also to those juveniles against whom a petition may be filed without a recommendation from a juvenile community corrections officer.

Public Law 2005, chapter 507 adds to the Juvenile Code a cross-reference to a Criminal Code restitution provision that was recently enacted regarding joint and several responsibility, as joint and several responsibility also applies to restitution in juvenile cases.

Public Law 2005, chapter 507 adds a cross-reference in the fine provision of the Maine Juvenile Code to a recently enacted juvenile crime law and clarifies that mandatory minimum fine provisions are not applicable to juveniles.

Public Law 2005, chapter 507 clarifies in Title 17-A that when the running of the period of probation is tolled due to pending probation violation proceedings, the conditions of probation continue to apply during the tolled period.

Public Law 2005, chapter 507 codifies in Title 17-A the Law Court's ruling that when there are consecutive sentences, detention time can only be counted once; this interpretation also applies to probation revocations.

LD 1781 **An Act To Require Mandatory Training for Law Enforcement Officers and Prosecutors Regarding Interaction with People with Developmental Disabilities, Including Autism Spectrum Disorders** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

LD 1781 proposed to require the Board of Trustees of the Maine Criminal Justice Academy to include in the basic law enforcement mandatory training and the next available schedule of recertification training for law enforcement officers a block of instruction aimed at identifying and safely interacting with persons with developmental disabilities, reducing barriers to reporting crimes against people with developmental disabilities and addressing the challenges posed by cases that involve persons with developmental disabilities. The bill also proposed to require prosecutors to annually complete one hour of continuing legal education covering the same topics.

Although LD 1781 did not pass, the Maine Criminal Justice Academy plans to incorporate the training for law enforcement officers proposed in the bill into its curriculum. The joint standing committee having jurisdiction over criminal justice and public safety matters also anticipates a report back from a work group convened by the Maine Developmental Disabilities Council. The work group will include advocates and providers for persons with developmental disabilities. The group will share with the 123rd Legislature its recommendations regarding developing and implementing policy for training of law enforcement officers, other criminal justice and public safety officials and health care providers to help ensure equal access to and protection within the criminal justice and public safety systems for persons with developmental disabilities.

LD 1789 **An Act To Amend the Crime of Aggravated Criminal Mischief** **PUBLIC 660**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM MAJ ONTP MIN	S-504

LD 1789 proposed to expand the current crime of terrorizing to establish the Class C crime of "environmental terrorizing." The bill proposed that a person is guilty of this crime if the person commits a crime of violence dangerous to human life or destructive to property or business practices for the purpose of protesting the practice of a person or business with respect to a natural resource or environmental issue, and the act causes injury in fact to a person or damage to property or a business or purposefully causes a significant interruption in business or loss of products that results in loss of revenues or in compensable damages. The bill proposed to specify that the new crime does not apply to a person who is protesting during a labor dispute, a strike or a lockout at a business.

Committee Amendment "A" (S-504) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to add to the Class C crime of aggravated criminal mischief a new form. To satisfy this new form, the amendment proposed that the State must prove beyond a reasonable doubt both that the actor intentionally damaged, destroyed or tampered with the property of another, having no reasonable ground to believe that the person had a right to do so, and that

at the time of the actor's actions the actor's motive was to cause substantial harm to the health, safety, business, calling, career, financial condition, reputation or personal relationships of the person with the property interest or any other person. This list of harmful motives is modeled after the crime of theft by extortion in the Maine Revised Statutes, Title 17-A, section 355.

Senate Amendment "A" to Committee Amendment "A" (S-605) proposed to specify that a person commits aggravated criminal mischief if the person intentionally damages, destroys or tampers with the property of another, having no reasonable ground to believe that the person has a right to do so, for the purpose of harming substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation or personal relationships. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 660 adds to the Class C crime of aggravated criminal mischief a new form. To satisfy this new form the State must prove beyond a reasonable doubt both that the actor intentionally damaged, destroyed or tampered with the property of another, having no reasonable ground to believe that the person had a right to do so, and that at the time of the actor's actions the actor's motive was to cause substantial harm to the health, safety, business, calling, career, financial condition, reputation or personal relationships of the person with the property interest or any other person. This list of harmful motives is modeled after the crime of theft by extortion in the Maine Revised Statutes, Title 17-A, section 355.

LD 1810 **An Act Regarding Criminal History Record Checks** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUNN	ONTP	

LD 1810 proposed to require the State Bureau of Identification within the State Police under the Department of Safety to establish procedures by rule to ensure that information that is released as part of a criminal history record check is current and valid, identifies the correct individual and is released in accordance with law.

LD 1825 **An Act To Amend the Rule-making Authority of the Commissioner of Public Safety Regarding the Construction, Installation, Maintenance and Inspection of Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances** **PUBLIC 571 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	OTP-AM	H-943

LD 1825 proposed to provide that a municipal fire department, volunteer fire association or fire ward that inspects a chimney or wood stove or any other heating device or appliance may not be held liable for any claim arising from death or injury or damage to property if any alterations are made to the chimney or wood stove or any other heating device or appliance after the inspection has taken place.

Committee Amendment "A" (H-943) proposed to replace the bill, change the title, add an emergency preamble and clause and amend the Commissioner of Public Safety's rule-making authority regarding the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. The amendment proposed to repeal the current directive to the Commissioner of Public Safety to adopt the National Fire Protection Association Code #211, "The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances," and replace that with more general rule-making authority that directs the commissioner to adopt routine technical rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. The amendment also proposed to authorize the commissioner to adopt major substantive rules pertaining to the inspection and maintenance of chimneys, fireplaces, vents and solid fuel burning appliances upon the sale or transfer of property.

The purpose of amending the current rule-making authority was specifically to address the regulatory requirement that Level II chimney inspections be conducted upon the sale or transfer of real estate pursuant to National Fire Protection Association Code #211. The amendment proposed to give the Commissioner of Public Safety the ability to tailor rules to the needs of the State.

The amendment also proposed to add a penalty provision that specifies that a person who violates a rule adopted pursuant to the Maine Revised Statutes, Title 25, section 2465 commits a civil violation for which a fine of not less that $200 and not more than $500 may be adjudged. The amendment proposed that this penalty does not apply to a rule requiring an annual chimney inspection for a single-family home.

Enacted law summary

Public Law 2005, chapter 571 amends the Commissioner of Public Safety's rule-making authority regarding the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. Public Law 2005, chapter 571 repeals the current directive to the Commissioner of Public Safety to adopt the National Fire Protection Association Code #211, "The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances," and replaces that with more general rule-making authority that directs the commissioner to adopt routine technical rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. Public Law 2005, chapter 571 also authorizes the commissioner to adopt major substantive rules pertaining to the inspection and maintenance of chimneys, fireplaces, vents and solid fuel burning appliances upon the sale or transfer of property.

Public Law 2005, chapter 571's amendment of the current rule-making authority is specifically to address the current regulatory requirement that Level II chimney inspections be conducted upon the sale or transfer of real estate pursuant to National Fire Protection Association Code #211. Public Law 2005, chapter 571 gives the Commissioner of Public Safety the ability to tailor rules to the needs of the State.

Public Law 2005, chapter 571 also adds a penalty provision that specifies that a person who violates a rule adopted pursuant to the Maine Revised Statutes, Title 25, section 2465 commits a civil violation for which a fine of not less that $200 and not more than $500 may be adjudged. This penalty does not apply to a rule requiring an annual chimney inspection for a single-family home.

Public Law 2005, chapter 571 was enacted as an emergency measure effective April 12, 2006.

LD 1831 **An Act To Allow Law Enforcement Agencies To Maintain Sex Offender Websites for Public Use** **PUBLIC 545**

Sponsor(s)	Committee Report	Amendments Adopted
CURLEY SNOWE-MELLO	OTP-AM	H-867

LD 1831 proposed to maintain the requirement that the bureau maintain a sex offender registry on the Internet but also proposed to authorize other law enforcement agencies to maintain a sex offender registry that is accessible by the public. Current law requires the State Bureau of Identification to maintain a sex offender registry; other law enforcement agencies are permitted to maintain a sex offender registry, but only for internal use by those agencies.

Committee Amendment "A" (H-867) proposed to replace the bill. The amendment proposed to clarify that only the Department of Public Safety, State Bureau of Identification may maintain a state sex offender registry on the Internet but proposed to authorize law enforcement agencies to maintain their own sex offender websites for internal use and for use by the public if certain conditions are met. Specifically, in order to make a sex offender website available to the public, the amendment proposed that a law enforcement agency must post on its website that the website is not the official state sex offender registry and that the law enforcement agency posting the website is solely responsible for the website's content; provide a link to the bureau's Internet sex offender registry; post information regarding only 10-year and lifetime registrants who are domiciled, reside, attend college or school or work within the posting law enforcement agency's jurisdiction; update the information on the website as frequently as possible, but no less than every 7 days; and prominently display the date and time of the most recent update.

Enacted law summary

Public Law 2005, chapter 545 clarifies that only the Department of Public Safety, State Bureau of Identification may maintain a state sex offender registry on the Internet but authorizes law enforcement agencies to maintain their own sex offender websites for internal use and for use by the public if certain conditions are met. Specifically, in order to make a sex offender website available to the public, a law enforcement agency must post on its website that the website is not the official state sex offender registry and that the law enforcement agency posting the website is solely responsible for the website's content. The law enforcement agency must also provide a link to the State Bureau of Identification's Internet sex offender registry; post information regarding only 10-year and lifetime registrants who are domiciled, reside, attend college or school or work within the posting law enforcement agency's jurisdiction; update the information on the website as frequently as possible, but no less than every 7 days; and prominently display the date and time of the most recent update.

LD 1859 **An Act To Inform and Protect the Public Regarding State Employees with Certain Criminal Records** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N MAYO	ONTP	

LD 1859 proposed to require an agency, department, board or commission of State Government that employs a person who has been convicted of a "serious crime", including murder, or a Class A, B or C crime, or who is required to register as a 10-year or lifetime registrant under the Sex Offender Registration and Notification Act of 1999 and who, as part of that person's duties, has direct contact with a member of the public in the home or business of that member of the public, to inform that member of the public of the date and crime for which the person was convicted and to provide the member of the public with the option of requesting a different person with whom to conduct business. The bill proposed to direct the Department of Administrative and Financial Services to adopt major substantive rules to implement these notification requirements.

LD 1859 also proposed to require the Department of Administrative and Financial Services to study and report by January 5, 2007 to the State and Local Government Committee of the 123rd Legislature regarding the number of state employees who have been convicted of a serious crime, the level of public exposure those employees have and the extent of the access those employees have to confidential information of members of the public. This bill was not enacted, as the Department of Administrative and Financial Services, Bureau of Employee Relations pledged to amend hiring policies to address concerns.

LD 1861 **An Act To Improve the Ability of the Department of Corrections To Share Information Related to Clients in Order To Improve Treatment and Rehabilitative Services** **PUBLIC 487 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
GROSE	OTP-AM	H-751

LD 1861 proposed to allow the Department of Corrections to share with the Department of Health and Human Services information regarding juvenile clients who have been referred to Department of Corrections but for whom no petition has been filed. The purpose of authorizing the sharing of this information is to improve the overall delivery of services to clients and to assist in the placement of preadjudicated juveniles as an alternative to detention. Current law allows sharing of a juvenile's information at this stage only with consent of a juvenile's parent or guardian or without consent if only to a criminal justice agency for purposes of the administration of juvenile criminal justice.

LD 1861 also proposed to authorize the Department of Corrections to share confidential records of any Department of Corrections client, juvenile or adult, with any other state agency engaged in statistical analysis for the purpose of improving delivery of services to persons who may become clients of more than one agency. The bill proposed that the requesting agency must submit a plan to the Department of Corrections Commissioner, who must approve the plan and authorize disclosure. The bill also proposed

that the receiving agency may not disclose or distribute the records in any way that would refer to a client by name or number or could otherwise lead to the client's identification.

Committee Amendment "A" (H-751) proposed to add an emergency preamble and clause to the bill to more quickly facilitate the sharing of information between the Department of Corrections and the Department of Health and Human Services and other agencies.

Enacted law summary

Public Law 2005, chapter 487 allows the Department of Corrections to share with the Department of Health and Human Services information regarding juvenile clients who have been referred to the Department of Corrections but for whom no petition has been filed. The purpose of authorizing the sharing of this information is to improve the overall delivery of services to clients and to assist in the placement of preadjudicated juveniles as an alternative to detention. Without Public Law 2005, chapter 487 sharing of a juvenile's information at this stage could happen only with consent of a juvenile's parent or guardian or without consent if to a criminal justice agency only for purposes of the administration of juvenile criminal justice.

Public Law 2005, chapter 487 also authorizes the Department of Corrections to share confidential records of any client (juvenile or adult) with any other state agency engaged in statistical analysis for the purpose of improving delivery of services to persons who may become clients of more than one agency. The requesting agency must submit a plan to the Commissioner of Corrections, who must approve the plan and authorize the disclosure. The receiving agency may not disclose or distribute the records in any way that would refer to a client by name or number or could otherwise lead to the client's identification.

Public Law 2005, chapter 487 was enacted as an emergency measure effective March 13, 2006.

LD 1868 **An Act To Eliminate Administrative Preliminary Hearings for Probationers** **PUBLIC 661**

Sponsor(s)	Committee Report	Amendments Adopted
PLUMMER	OTP-AM	H-796
		S-670 ROTUNDO

LD 1868 proposed to amend the Maine Criminal Code to eliminate the administrative preliminary hearings presently conducted by the Department of Corrections to determine probable cause for a probation violation and instead to require the courts to conduct probable cause hearings within 3 days after a probationer's arrest.

Committee Amendment "A" (H-796) proposed to require the court to hold probable cause hearings within 5 days after arrest instead of 3 days, as proposed by the bill. The amendment proposed to specify that evidence presented to establish probable cause may include affidavits and other reliable hearsay evidence as permitted by the court. The amendment also proposed to add an effective date of January 1, 2007.

Senate Amendment "A" to Committee Amendment "A" (S-670) proposed to add an appropriations and allocations section, which proposed to appropriate to the Judicial Department funds for court-

appointed attorneys and deappropriate from the Department of Corrections savings resulting from reduced overtime of probation officers and savings resulting from a delay in ordering cars.

Enacted law summary

Public Law 2005, chapter 661 eliminates the administrative hearings presently conducted by the Department of Corrections to determine probable cause for a probation violation and instead requires probable cause hearings to be conducted by the courts within 5 days after arrest. Public Law 2005, chapter 661 also specifies that evidence presented to establish probable cause may include affidavits and other reliable hearsay evidence as permitted by the court. Public Law 2005, chapter 661 is effective January 1, 2007.

LD 1879 An Act To Enhance Firefighter Safety ONTP

Sponsor(s)	Committee Report	Amendments Adopted
DUPLESSIE BRYANT B	ONTP	

LD 1879 proposed to require structures that use trusses in the floor or roof or parts of the floor or roof to display an emblem on the building signifying truss construction and the materials used in the truss construction. The bill proposed that the owner of the structure would be required to install and maintain the emblem. The bill proposed that 2 exceptions to this requirement would be: 1) detached 1-family and 2-family residential structures with truss construction built before the effective date of the bill that are not part of a planned real estate development (however, municipalities may by local ordinance require that an emblem be affixed to these structures); and 2) individual structures and dwelling units with truss construction that are part of a planned real estate development, as long as an emblem is affixed at each entranceway to the development. LD 1879 proposed that a person who fails to comply with these requirements commits a Class E crime.

The bill also proposed to provide a voluntary statewide recommendation for uniform standards of identifying dangerous or vacant properties to further protect firefighters.

LD 1884 An Act To Improve the Prisoner Telephone System PUBLIC 506 EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
BLANCHETTE	OTP-AM	H-793

LD 1884 was an emergency bill introduced by the Department of Corrections that proposed to do the following:

1. Specify that a prisoner who has been ordered to pay restitution or fines may not participate in an industry program or any other program administered by the Department of Corrections or a sheriff by which a prisoner is able to generate money unless the prisoner consents to pay at least 25% of the

prisoner's gross weekly wages or other money generated to the victim or the court until such time as full restitution has been made or the fine is paid in full;

2. Amend the payment of restitution provisions to specify that a prisoner's money that is subject to the 25% requirement applies to money "received" by the prisoner and not just to money that the prisoner "is able to generate" from any source. (i.e., a portion of gifts a prisoner receives may be applied to restitution and fines) The bill also proposed to exclude from this restitution and fine requirement any money received by the prisoner that is directly deposited into an account for the purpose of using the client telephone system. Any money that is left in the telephone account at the time of a prisoner's discharge or transfer would then be transferred into the department's general client account and that money is then subject to the 25% distribution for restitution and fines;

3. Amend the restitution and monetary sanctions to facilities provisions to be consistent with changes in the bill;

4. Amend the provisions governing clients' money to specify that money received by a client be deposited into "the department's general client account" instead of "the facility's clients' account" or in the department's telephone call account. The bill proposed that money deposited in either account is credited to the client receiving it, and that any money that is left in the telephone account at the time of a prisoner's discharge or transfer is then transferred into the department's general client account and that money is then subject to the 25% distribution for restitution and fines before distributed to the client;

5. Specify the reimbursement process of client funds to family members when a client is deceased;

6. Amend the reference to "clients' account" to "department's general client account" consistent with the other changes in the bill; and

7. Facilitate the use of prepaid minutes in the State's prisoner telephone system.

Committee Amendment "A" (H-793) proposed to make the provisions for deductions from a prisoner's account for the payment of court filing fees consistent with the changes proposed in the bill for deductions for the payment of fines and restitution.

Enacted law summary

Public Law 2005, chapter 506 specifies that a prisoner who has been ordered to pay restitution or fines may not participate in an industry program or any other program administered by the Department of Corrections or a sheriff by which a prisoner is able to generate money unless the prisoner consents to pay at least 25% of the prisoner's gross weekly wages or other money generated to the victim or the court until such time as full restitution has been made or the fine is paid in full. Public Law 2005, chapter 506 also amends the payment of restitution provisions to specify that a prisoner's money that is subject to the 25% requirement applies to money "received" by the prisoner and not just to money that the prisoner "is able to generate" from any source. (i.e., a portion of gifts a prisoner receives may be applied to restitution and fines)

Public Law 2005, chapter 506 facilitates the use of prepaid minutes in the State's prisoner telephone system. Public Law 2005, chapter 506 also excludes from the 25% restitution and fine requirement any money received by the prisoner that is directly deposited into an account for the purpose of using the client telephone system.

Public Law 2005, chapter 506 further amends the provisions governing clients' money to specify that money received by a client be deposited into "the department's general client account" instead of "the facility's clients' account" or in the department's telephone call account. Money deposited in either account is credited to the client receiving it. Any money that is left in the telephone account at the time of a prisoner's discharge or transfer is then transferred into the department's general client account and that money is then subject to the 25% distribution for restitution and fines before distributed to the client. Finally, Public Law 2005, chapter 506 specifies the reimbursement process of client funds to family members when a client is deceased.

Public Law 2005, chapter 506 was enacted as an emergency measure effective March 24, 2006.

LD 1886 **An Act To Amend the Laws Pertaining to the Department of Corrections** **PUBLIC 488 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BLANCHETTE MAYO	OTP-AM	H-754

LD 1886 was introduced by the Department of Corrections and proposed to make the following changes to the laws governing that department:

1. Clarify the appeals process with respect to juvenile detention orders by specifying that an order may include discovery of new and significant information, which is consistent with the Bail Code;

2. Add a requirement that, upon the request of a victim, the victim be notified when a prisoner is released to supervised release for sex offenders, a sentencing alternative in the Maine Revised Statutes, Title 17-A, section 1231 enacted by Public Law 1999, chapter 788, section 7;

3. Change terminology to reflect the terminology used in the Sex Offender Registration and Notification Act of 1999, Title 34-A, chapter 15;

4. Eliminate the requirement that the Commissioner of the Department of Corrections notify the court of the initial place of confinement of a person committed to the Department of Corrections, since the commissioner notifies the sheriff now and the courts receive the same information from sheriffs;

5. Add correctional supervisors to those who may carry a concealed firearm with the permission of their employer;

6. Repeal the provision that requires the Commissioner of Corrections to promulgate rules for community services agreements;

7. Correct an error in terminology in the provision governing boards of visitors;

8. Change the title of the chief administrative officer of the Mountain View Youth Development Center from director to superintendent to make it identical to the title for the chief administrative officer of the Long Creek Youth Development Center;

9. Substitute the term “juvenile community corrections officers” for “juvenile caseworkers” in several provisions; and

10. Add references to “supervised release for sex offenders” to a provision regarding probation and parole officers and intensive supervision program officers.

Committee Amendment “A” (H-754) proposed to create an exception to a law that requires the elimination of all commissary-type facilities operated by state departments for the sale of food and food supplies to any person. This amendment proposed to allow the Department of Corrections to lawfully continue its long-time practice of operating a commissary for the sale of food to clients and employees in corrections facilities and to clarify that the chief administrative officer of a correctional or detention facility may, subject to the approval of the commissioner, purchase meals for or otherwise provide meals without charge to any facility employee who eats such meals within the scope of employment.

To remedy the department's unintended violation more quickly, this amendment also proposed to make the bill an emergency.

Enacted law summary

Public Law 2005, chapter 488 makes the following changes to the laws governing the Department of Corrections.

It clarifies the appeals process with respect to juvenile detention orders by specifying that an order may include discovery of new and significant information, which is consistent with the Bail Code.

It adds a requirement that, upon the request of a victim, the victim be notified when a prisoner is released to supervised release for sex offenders, a sentencing alternative in the Maine Revised Statutes, Title 17-A, section 1231 enacted by Public Law 1999, chapter 788, section 7.

It changes terminology to reflect the terminology used in the Sex Offender Registration and Notification Act of 1999, Title 34-A, chapter 15.

It eliminates the requirement that the Commissioner of Corrections notify the court of the initial place of confinement of a person committed to the Department of Corrections, since the commissioner notifies the sheriff now and the courts receive the same information from sheriffs.

It adds correctional supervisors to those who may carry a concealed firearm with the permission of their employer.

It repeals the provision that requires the Commissioner of Corrections to promulgate rules for community services agreements.

It corrects an error in terminology in the provision governing boards of visitors.

It changes the title of the chief administrative officer of the Mountain View Youth Development Center from director to superintendent to make it identical to the title for the chief administrative officer of the Long Creek Youth Development Center.

It substitutes the term "juvenile community corrections officers" for "juvenile caseworkers" in several provisions.

It adds references to "supervised release for sex offenders" to a provision regarding probation and parole officers and intensive supervision program officers.

It creates an exception to a law that requires the elimination of all commissary-type facilities operated by state departments for the sale of food and food supplies to any person. Public Law 2005, chapter 488 allows the Department of Corrections to lawfully continue its long-time practice of operating a commissary for the sale of food to clients and employees in corrections facilities and clarifies that the chief administrative officer of a correctional or detention facility may, subject to the approval of the commissioner, purchase meals for or otherwise provide meals without charge to any facility employee who eats such meals within the scope of the employee's employment.

Public Law 2005, chapter 488 was enacted as an emergency measure effective March 13, 2006.

LD 1906 **An Act To Safeguard Maine's Highways** **PUBLIC 606**

Sponsor(s)	Committee Report	Amendments Adopted
CURLEY DIAMOND	OTP-AM	H-1041

LD 1906 proposed to provide stricter penalties for operating after license suspension or OAS. Specifically, the bill proposed to do the following:

1. Establish a graduated penalty scale for license suspensions, not related to the offense of operating under the influence, that occur within a 3-year period, beginning with a license suspension of one year and a $1,000 fine for 3 suspensions within a 3-year period and increasing to a license suspension of 10 years and a $5,000 fine for 7 or more license suspensions within a 3-year period;

2. Provide for mandatory incarceration, which may not be suspended, if the person is convicted of OAS while that person's license was suspended due to multiple suspensions. The bill proposed that the length of the incarceration is graduated, beginning with 180 days for OAS after suspension for 3 suspensions and increasing to a Class B crime, punishable by 5 years incarceration, for OAS after suspension for 7 or more license suspensions within a 3-year period;

3. Amend the current law that allows a vehicle to be impounded when the driver has operated a motor vehicle while under the influence to allow a motor vehicle also to be impounded for an OAS offense. The vehicle impounded for an OAS offense would be released only after the offender's driver's license has been reinstated and the impound fees have been paid;

4. Create the new crime of contributing to an accident after license suspension or revocation. The bill proposed that if a person whose license has been suspended or revoked is involved in an accident, regardless of fault, and that accident results in bodily injury or death of another person, the person operating after suspension commits a Class C crime in the case of bodily injury or a Class B crime in the case of death. The bill proposed that the Class C crime is punishable by a minimum sentence of 3 years imprisonment and an additional license suspension of 5 years. The

bill proposed that the Class B crime is punishable by a minimum sentence of imprisonment of 5 years and an additional license suspension of 10 years. The new crime would not apply if the person were convicted of the crime of operating under the influence and causing the death or bodily injury of another person, which is increased from a Class C to a Class B crime; and

5. Require the Secretary of State to confiscate the license of a person who is convicted of OAS for the duration of the suspension, including any additional suspension imposed for OAS.

Committee Amendment "A" (H-1041) proposed to replace the bill and do the following:

1. Amend the OUI law to be consistent with proposed changes in this law that create the distinct crimes of causing serious bodily injury or death while a driver's license is suspended or revoked;

2. Create new crimes of causing serious bodily injury or death while driving with a suspended or revoked license. The amendment proposed that a person commits the crime if the person knowingly operates with a suspended or revoked license and in fact causes serious bodily injury or death. The amendment proposed that causing injury in such a case is a Class C crime with penalties that include a possible 0-5 years of imprisonment and a mandatory 5-year license suspension, and causing death in such a case is a Class B crime with penalties that include a possible 0-10 years of imprisonment and a mandatory 10-year license suspension;

3. Expand the habitual offender statute by adding the offense of operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more to the list of 3 or more convictions or adjudications for distinct offenses within a 5-year period for which a person is an habitual offender;

4. Further expand the habitual offender statute by adding the accumulation of 10 or more moving violations within a 5-year period to the list of convictions or adjudications for distinct offenses within a 5-year period for which a person is an habitual offender;

5. Remove from the exceptions for which a person is not an habitual offender the case when all convictions or adjudications are based on operating after suspension when the license was originally suspended for failure to give or maintain proof of financial responsibility;

6. Remove from the convictions for offenses that may not be included under the habitual offender provision convictions for operating after suspension when the suspension is based upon failure to appear in court or pay a fine;

7. Amend the penalties for operating after habitual offender revocation and expand the crime to include persons who have one or more prior convictions for operating after habitual offender revocation or aggravated operating after habitual offender revocation and who then operate after the license is suspended or revoked. The amendment proposed mandatory penalties that cannot be suspended, which include the following:

    A. A person is guilty of a Class D crime if the person operates after habitual offender revocation and has not been convicted of operating after habitual offender revocation or for operating under the influence within the previous 10 years. If the person has no prior convictions, the minimum mandatory fine for this Class D crime is $500 and the minimum mandatory term of imprisonment is 30 days;

B. A person is guilty of a Class C crime if the person operates after habitual offender revocation and has one conviction for operating after habitual offender revocation or for operating under the influence within the previous 10 years. If the person has one prior conviction, the minimum fine for this Class C crime is $1,000 and the minimum term of imprisonment is 6 months;

C. A person is guilty of a Class C crime if the person operates after habitual offender revocation and has 2 convictions for operating after habitual offender revocation or for operating under the influence within the previous 10 years. If the person has 2 prior convictions, the minimum fine for this Class C crime is $1,000 and the minimum term of imprisonment is 9 months plus a day; and

D. A person is guilty of a Class C crime if the person operates after habitual offender revocation and has 3 or more convictions for operating after habitual offender revocation or for operating under the influence within the previous 10 years. If the person has 3 or more prior convictions, the minimum fine for this Class C crime is $1,000 and the minimum term of imprisonment is 2 years;

8. Create the new crime of aggravated operating after habitual offender revocation and impose new penalties. The amendment proposed that a person is guilty of aggravated operating after habitual offender revocation if that person operates after habitual offender revocation and at the time of that violation also commits one or more of the following: operating under the influence, driving to endanger, eluding an officer, passing a roadblock and operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more. The amendment proposed mandatory penalties that cannot be suspended, which include the following:

A. A person is guilty of a Class D crime if the person commits the crime of aggravated operating after habitual offender revocation. If the person has no prior convictions, the minimum fine for this Class D crime is $500 and the minimum term of imprisonment is 6 months;

B. A person is guilty of a Class C crime if the person commits the crime of aggravated operating after habitual offender revocation and has one prior conviction for committing aggravated operating after habitual offender revocation, operating under the influence or operating after habitual offender revocation within the previous 10 years. If a person has one prior conviction, the minimum fine for this Class C crime is $1,000 and the minimum term of imprisonment is one year;

C. A person is guilty of a Class C crime if the person commits the crime of aggravated operating after habitual offender and has 2 prior convictions for committing aggravated operating after habitual offender revocation, operating under the influence or operating after habitual offender revocation within the previous 10 years. If a person has 2 prior convictions, the minimum fine for this Class C crime is $2,000 and the minimum term of imprisonment is 2 years; and

D. A person is guilty of a Class C crime if the person commits the crime of aggravated operating after habitual offender and has 3 or more convictions for committing aggravated operating after habitual offender revocation, operating under the influence or operating after habitual offender revocation within the previous 10 years. If a person has 3 or more prior convictions, the minimum fine for this Class C crime is $3,000 and the minimum term of imprisonment is 5 years;

9. Direct the Secretary of State to take reasonable actions to confiscate suspended licenses; and

10. Request that the Maine Sheriff's Association by January 30, 2007 report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the impact these increased motor vehicle penalties have on the county jail population and to make any suggested changes, if necessary.

House Amendment "A" to Committee Amendment "A" (H-1049) proposed to specify that a person who, while knowingly operating with a suspended or revoked license, in fact causes the death of another person is subject to a minimum term of imprisonment of 5 years. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 606 makes the following changes to the motor vehicle statutes.

1. It amends the OUI law to be consistent with proposed changes in this law that create the distinct crimes of causing serious bodily injury or death while a driver's license is suspended or revoked.

2. It creates new crimes of causing serious bodily injury or death while driving with a suspended or revoked license. A person commits the crime if the person knowingly operates with a suspended or revoked license and in fact causes serious bodily injury or death. Causing injury in such a case is a Class C crime with penalties that include a possible 0-5 years of imprisonment and a mandatory 5-year license suspension. Causing death in such a case is a Class B crime with penalties that include a possible 0-10 years of imprisonment and a mandatory 10-year license suspension.

3. It expands the habitual offender statute by adding the offense of operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more to the list of 3 or more convictions or adjudications for distinct offenses within a 5-year period for which a person is an habitual offender.

4. It further expands the habitual offender statute by adding the accumulation of 10 or more moving violations within a 5-year period to the list of convictions or adjudications for distinct offenses within a 5-year period for which a person is an habitual offender.

5. It removes from the exceptions for which a person is not an habitual offender the case when all convictions or adjudications are based on operating after suspension when the license was originally suspended for failure to give or maintain proof of financial responsibility.

6. It removes from the convictions for offenses that may not be included under the habitual offender provision convictions for operating after suspension when the suspension is based upon failure to appear in court or pay a fine.

7. It amends the penalties for operating after habitual offender revocation and expands the crime to include persons who have one or more prior convictions for operating after habitual offender revocation or aggravated operating after habitual offender revocation and who then operate after the license is suspended or revoked. Mandatory penalties that cannot be suspended include the following.

   A. A person is guilty of a Class D crime if the person operates after habitual offender revocation and has not been convicted of operating after habitual offender revocation or for operating under the

influence within the previous 10 years. If the person has no prior convictions, the minimum fine for this Class D crime is $500 and the minimum term of imprisonment is 30 days.

B. A person is guilty of a Class C crime if the person operates after habitual offender revocation and has one conviction for operating after habitual offender revocation or for operating under the influence within the previous 10 years. If the person has one prior conviction, the minimum fine for this Class C crime is $1,000 and the minimum term of imprisonment is 6 months.

C. A person is guilty of a Class C crime if the person operates after habitual offender revocation and has 2 convictions for operating after habitual offender revocation or for operating under the influence within the previous 10 years. If the person has 2 prior convictions, the minimum fine for this Class C crime is $1,000 and the minimum term of imprisonment is 9 months plus a day.

D. A person is guilty of a Class C crime if the person operates after habitual offender revocation and has 3 or more convictions for operating after habitual offender revocation or for operating under the influence within the previous 10 years. If the person has 3 or more prior convictions, the minimum fine for this Class C crime is $1,000 and the minimum term of imprisonment is 2 years.

8. It creates the new crime of aggravated operating after habitual offender revocation and imposes new penalties. A person is guilty of aggravated operating after habitual offender revocation if that person operates after habitual offender revocation and at the time of that violation also commits one or more of the following: operating under the influence, driving to endanger, eluding an officer, passing a roadblock and operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more. Mandatory penalties that cannot be suspended include the following.

A. A person is guilty of a Class D crime if the person commits the crime of aggravated operating after habitual offender revocation. If the person has no prior convictions, the minimum fine for this Class D crime is $500 and the minimum term of imprisonment is 6 months.

B. A person is guilty of a Class C crime if the person commits the crime of aggravated operating after habitual offender revocation and has one prior conviction for committing aggravated operating after habitual offender revocation, operating under the influence or operating after habitual offender revocation within the previous 10 years. If a person has one prior conviction, the minimum fine for this Class C crime is $1,000 and the minimum term of imprisonment is one year.

C. A person is guilty of a Class C crime if the person commits the crime of aggravated operating after habitual offender and has 2 prior convictions for committing aggravated operating after habitual offender revocation, operating under the influence or operating after habitual offender revocation within the previous 10 years. If a person has 2 prior convictions, the minimum fine for this Class C crime is $2,000 and the minimum term of imprisonment is 2 years.

D. A person is guilty of a Class C crime if the person commits the crime of aggravated operating after habitual offender and has 3 or more convictions for committing aggravated operating after habitual offender revocation, operating under the influence or operating after habitual offender revocation within the previous 10 years. If a person has 3 or more prior convictions, the minimum fine for this Class C crime is $3,000 and the minimum term of imprisonment is 5 years.

9. It directs the Secretary of State to take reasonable actions to confiscate suspended licenses.

10. It requests that the Maine Sheriff's Association by January 30, 2007 report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the impact these increased motor vehicle penalties have on the county jail population and to make any suggested changes, if necessary.

LD 1938 **An Act To Protect Victims of Domestic Violence** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING SIMPSON	OTP-AM	S-525

LD 1938 proposed to require the Department of Public Safety, upon learning through a criminal background check that an individual subject to a protection from abuse order has illegally attempted to purchase a firearm, to promptly make every reasonable effort to share the information with the individual who is intended to be protected by the order and the local law enforcement agency where the individual resides, so that adequate precautions can be taken to minimize the risk of further domestic violence.

LD 1938 proposed that the State, a political subdivision of the State or a law enforcement officer may not be held liable for damage that may be caused by the failure or inability to inform an individual who is intended to be protected by the protection from abuse order.

Committee Amendment "A" (S-525) proposed to specify that, upon receiving information from a federal agency that through a criminal background check an individual subject to a protection from abuse order has illegally attempted to purchase a firearm, the Department of Public Safety shall share that information with the individual who is intended to be protected by the order and with another law enforcement agency with jurisdiction in the municipality in which that individual resides as quickly as practicable.

The amendment also proposed to specify that the Department of Public Safety may accomplish the notification process by notifying another law enforcement agency within the county in which the individual intended to be protected by the protection from abuse order resides. Committee Amendment "A" proposed that when the department makes notification through such a law enforcement agency, that agency then must make reasonable effort to notify as quickly as practicable the individual intended to be protected by the protection from abuse order. The amendment further proposed that if, when notifying another law enforcement agency, the department is informed by that agency that it cannot notify the individual intended to be protected by the protection from abuse order, the department must continue to make its own reasonable effort to notify that individual as quickly as practicable, and this may be accomplished through a different law enforcement agency within the county in which the individual resides.

The amendment also proposed to clarify that the immunity provision does not prohibit the State or a political subdivision of the State from pursuing legally authorized disciplinary action.

House Amendment "A" to Committee Amendment "A" (H-954), which was not adopted, proposed to do the following:

1. Amend the provision of law granting immunity from civil suit to governmental entities to hold a law enforcement agency liable for damage or loss of firearms seized, confiscated or received by that law enforcement agency pursuant to an order of the court in a protection from abuse proceeding;

2. Require a court to order a person seeking a protection from abuse order in bad faith to pay damages and reasonable attorney's fees to the defendant;

3. Require a law enforcement agency seizing, confiscating or receiving a firearm pursuant to an order of a court in a protection from abuse proceeding to provide the owner of the firearm with a signed and dated receipt, which must include the serial number and condition of the firearm and any firearm accessories obtained with the firearm; and

4. Prohibit a law enforcement agency seizing, confiscating or receiving a firearm pursuant to an order of a court in a protection from abuse proceeding from engraving, permanently marking or, unless reasonable suspicion exists to believe the firearm was used in the commission of a crime, test firing the firearm. The amendment proposed that a law enforcement agency that violates this prohibition is liable for any reduction in value of the firearm.

House Amendment "B" to Committee Amendment "A" (H-990), which was not adopted, proposed to do the following:

1. Amend the provision of law granting immunity from civil suit to governmental entities to hold a law enforcement agency liable for damage or loss of firearms seized, confiscated or received by that law enforcement agency pursuant to an order of the court in a protection from abuse proceeding;

2. Require a law enforcement agency seizing, confiscating or receiving a firearm pursuant to an order of a court in a protection from abuse proceeding to provide the owner of the firearm with a signed and dated receipt, which must include the serial number and condition of the firearm and any firearm accessories obtained with the firearm; and

3. Prohibit a law enforcement agency seizing, confiscating or receiving a firearm pursuant to an order of a court in a protection from abuse proceeding from engraving, permanently marking or, unless reasonable suspicion exists to believe the firearm was used in the commission of a crime, test firing the firearm. The amendment proposed that a law enforcement agency that violates this prohibition is liable for any reduction in value of the firearm.

House Amendment "C" to Committee Amendment "A" (H-1030), which was not adopted, proposed to do the following:

1. Direct the Maine Criminal Justice Academy to provide training for municipal, county and state law enforcement officers regarding the proper handling, storage and safekeeping of firearms received pursuant to a protection from abuse order;

2. Provide that in developing materials for training in domestic violence issues, the Maine Criminal Justice Academy may consult with a statewide organization involved in advocacy for victims of domestic violence and with an organization having statewide membership representing the interests of firearms owners; and

3. Provide that a law enforcement officer who receives custody of a firearm pursuant to a protection from abuse order shall exercise reasonable care to avoid loss, damage or reduction in value of such

firearm. Any liability for damage or reduction in value to such a firearm is governed by the Maine Tort Claims Act, Maine Revised Statutes, Title 14, chapter 741.

House Amendment "D" to Committee Amendment "A" (H-1044), which was not adopted, proposed to do the same as paragraphs 1 and 2 described in House Amendment "C" to Committee Amendment "A" above, except that this amendment also provides that a law enforcement officer who receives custody of a firearm pursuant to a protection from abuse order shall exercise reasonable care to avoid loss, damage or reduction in value of such firearm and may not permanently mark the firearm or fire the firearm unless there is reasonable suspicion that the firearm has been used in the commission of a crime. As in House Amendment "C", this amendment also proposed that any liability for damage or reduction in value to such a firearm is governed by the Maine Tort Claims Act, Maine Revised Statutes, Title 14, chapter 741.

Senate Amendment "A" to Committee Amendment "A" (S-565), which was not adopted, proposed to do the same as House Amendment "A" to Committee Amendment "A" (H-954).

Senate Amendment "B" to Committee Amendment "A" (S-596), which was not adopted, proposed to do the same as House Amendment "A" to Committee Amendment "A" (H-954).

LD 1938 as amended by Committee Amendment "A" (H-954) died between the bodies but see LD 2116, "An Act to Provide Protection for Victims of Domestic Violence" and LD 2118, "An Act Related to the Handling of Firearms Confiscated by Law Enforcement Officers Pursuant to a Court Order."

LD 1997 **An Act To Amend the Laws Dealing with a Work-restricted License** **ONTP**

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

LD 1997 proposed to authorize the Secretary of State to consider a first-time OUI offender's eligibility for a work-restricted license after 30 days of the suspension has passed. Current law authorizes the Secretary of State to consider issuing a work-restricted license to a first-time OUI offender after at least 2/3 of that offender's license suspension has expired.

LD 2001 **An Act To Implement Recommendations of the Criminal Law Advisory Commission** **PUBLIC 527**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-858
		H-868 RINES

LD 2001 was introduced by the Criminal Law Advisory Commission and proposed a number of technical drafting changes, as well as changes for clarity. Specifically, the bill proposed to do the following:

1. Amend the law regarding possession by prohibited persons of firearms or crossbows to:

A. Conform the terminology regarding the affirmative defense of insanity to that recently adopted in the Maine Revised Statutes, Title 17-A, sections 39 and 40 in the statute governing possession by prohibited persons of firearms or crossbows;

B. Add a reference to parole, supervised release for sex offenders and administrative release; and

C. Change a cross-reference for the definition of "not criminally responsible by reason of insanity" and remove language no longer needed because of this change;

2. Eliminate the need to specify in the charge and prove at trial the value of an audio or visual recording of all or any part of an illegally obtained motion picture. This is consistent with theft involving a firearm or an explosive device in which pecuniary loss is not an element and the absence of a pecuniary loss is not a defense;

3. Amend the crime of failure to report a sexual assault of a person in custody to clarify that the crime's forbidden conduct element of failing to report the sexual assault to an appropriate criminal justice agency has no accompanying culpable mental state element. This bill also proposed to provide an affirmative defense to prosecution under the section when the defendant knew that the crime of sexual assault had already been reported to an appropriate criminal justice agency by another mandated reporter;

4. Amend the crime of possession of a firearm in a courthouse by:

A. Adding the word "unauthorized";

B. Clarifying that the crime's forbidden conduct element of possessing a firearm in a courthouse has no accompanying culpable mental state element;

C. Adding "corrections supervisor" to the list of persons to whom the prohibition does not apply;

D. Requiring that the firearm be unloaded if possessed under the evidence exception;

E. Clarifying that the proceeding in which the firearm is to be offered as evidence may be either civil or criminal;

F. Adding a new provision that specifies that possession of a valid permit to carry a concealed firearm is not a defense to this crime; and

G. Making a number of nonsubstantive changes to the language for purposes of clarity;

5. Provide that the civil penalty for the sale and use of drug paraphernalia is $300;

6. Add to the list of sentencing alternatives the sentencing alternative of supervised release for sex offenders as authorized by the Maine Revised Statutes, Title 17-A, chapter 50. The bill also proposed to add a reference to this alternative since a fine may be imposed in addition to a chapter 50 sentencing alternative. Further, the bill proposed to repeal the option of a deferred disposition as authorized by Title 17-A, chapter 54-F since it is not a sentencing alternative. The bill proposed to make clear that every natural person convicted of a crime must be sentenced to at least one of the

listed sentencing alternatives. Depending upon which sentencing alternatives are used, a court may impose more than one and when mandated by the Legislature must do so;

7. Add to the list of sentencing alternatives applicable to an organization the sentencing alternative of a fine, suspended in whole or in part, with administrative release as authorized by Title 17-A, chapter 54-G. The bill proposed to add a reference to this alternative since a sanction authorized by section 1153 may be imposed in addition to a chapter 54-G sentencing alternative. The bill proposed to makes clear that every organization convicted of a crime must be sentenced to at least one of the listed sentencing alternatives. Depending upon which sentencing alternatives are used, a court may impose more than one and when mandated by the Legislature must do so;

8. Amend the law regarding notification of a defendant's release to:

   A. Conform the terminology regarding the affirmative defense of insanity to that recently adopted In Title 17-A, sections 39 and 40 pursuant to Public Law 2005, chapter 263, sections 5 to 7;

   B. Replace the reference to "placed in institutional confinement" under both Title 15, section 103 and Title 15, section 104-A with "committed to the custody of the Commissioner of Health and Human Services";

   C. Add references to supervised release for sex offenders pursuant to Title 17-A, chapter 50 and administrative release pursuant to Title 17-A, chapter 54-G; and

   D. Add "release from commitment under Title 15, section 101-B" in provisions addressing releases that are unconditional;

9. Current law increasing the sentencing class one class higher for a Class B, C, D or E crime committed with the use of a dangerous weapon excludes from its application the crimes of aggravated assault and attempted aggravated assault. This exclusion was added because use of a dangerous weapon serves as a factual element of one form of the crime of aggravated assault. This bill proposed to broaden the exclusion to include any crime that contains "use of a dangerous weapon" as a factual element;

10. Current law provides for the sentencing enhancement by one class if the defendant had 2 or more prior convictions of certain crimes, except for a conviction for stalking if the prior convictions have already served to enhance the sentencing class. The bill proposed to broaden this exclusion to include any crime in which a prior conviction has already served to enhance the class of the crime;

11. Clarify that when 2 or more provisions in Title 17-A, section 1252 are pled and proved by the State to enhance the class of the crime these provisions may be applied successively as long as those to be made successive contain different class enhancement factors. For example, if the State pled and proved that the Class D crime of reckless conduct was committed with the use of a dangerous weapon and, at the time of its commission, the defendant had been convicted of 2 or more qualifying crimes, the class of the reckless conduct would be elevated successively from Class D to Class C and from Class C to Class B because subsections 4 and 4-A constitute enhancement factors reflecting different public policy concerns;

12. Remove the current exception for eligibility for deferred disposition, which is that the crime expressly provides that one or more punishment alternatives it authorizes may not be suspended. It also is important to remove this exception in order to allow the flexibility in sentencing options now

available under Title 17-A, section 1348-B, subsection 1 and to recognize the fact that the Legislature also recently added a mandatory minimum fine to the Maine Criminal Code crime for assault and all drug crimes in Title 17-A, chapter 45; and

13. Remove that portion of the paragraph authorizing judicial fact-finding at the sentencing hearing and requires instead that "accompanied by sexual assault" be pleaded and proved beyond a reasonable doubt to the fact-finder at the trial. The change is required under both the United States Constitution and the Constitution of Maine because "accompanied by sexual assault" is a fact incident to attempted murder or murder that makes the person a "repeat sexual assault offender" who consequently is subject to a term of imprisonment for any term of years rather than a lesser definite term as specified under Title 17-A, section 1252, subsection 2. See Blakely v. Washington, 542 U.S. 296 (2004); State v. Schofield, 2005 ME 82, 876 A.2d 43.

Committee Amendment "A" (H-858) proposed to make 2 technical corrections, one for readability and one to clarify meaning.

House Amendment "A" (H-868) was presented on behalf of the Committee on Bills in the Second Reading and proposed to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 17-A, section 1175, first paragraph in Public Law 2005, chapter 488, section 4.

Enacted law summary

Public Law 2005, chapter 527 was submitted by the Criminal Law Advisory Commission.

Public Law 2005, chapter 527 amends the law regarding possession by prohibited persons of firearms or crossbows to:

1. Conform the terminology regarding the affirmative defense of insanity to that recently adopted in the Maine Revised Statutes, Title 17-A, sections 39 and 40;

2. Add a reference to parole, supervised release for sex offenders and administrative release; and

3. Change a cross-reference for the definition of "not criminally responsible by reason of insanity" and remove language no longer needed because of this change.

Public Law 2005, chapter 527 eliminates the need to specify in the charge and prove at trial the value of an audio or visual recording of all or any part of an illegally obtained motion picture. This is consistent with theft involving a firearm or an explosive device in which pecuniary loss is not an element, and the absence of a pecuniary loss is not a defense.

Public Law 2005, chapter 527 amends the crime of failure to report a sexual assault of a person in custody to clarify that the crime's forbidden conduct element of failing to report the sexual assault to an appropriate criminal justice agency has no accompanying culpable mental state element. Public Law 2005, chapter 527 also provides an affirmative defense to prosecution under the section when the defendant knew that the crime of sexual assault had already been reported to an appropriate criminal justice agency by another mandated reporter.

Public Law 2005, chapter 527 amends the crime of possession of a firearm in a courthouse by:

1. Adding the word "unauthorized";

2. Clarifying that the crime's forbidden conduct element of possessing a firearm in a courthouse has no accompanying culpable mental state element;

3. Adding “corrections supervisor” to the list of persons to whom the prohibition does not apply;

4. Requiring that the firearm be unloaded if possessed under the evidence exception;

5. Clarifying that the proceeding in which the firearm is to be offered as evidence may be either civil or criminal;

6. Adding a new provision that specifies that possession of a valid permit to carry a concealed firearm is not a defense to this crime; and

7. Making a number of nonsubstantive changes to the language for purposes of clarity.

Public Law 2005, chapter 527 provides that the civil penalty for the sale and use of drug paraphernalia is $300.

Public Law 2005, chapter 527 adds to the list of sentencing alternatives the sentencing alternative of supervised release for sex offenders as authorized by the Maine Revised Statutes, Title 17-A, chapter 50. Public Law 2005, chapter 527 also adds a reference to this alternative since a fine may be imposed in addition to a chapter 50 sentencing alternative. Further, Public Law 2005, chapter 527 repeals the option of a deferred disposition as authorized by Title 17-A, chapter 54-F, since it is not a sentencing alternative. Public Law 2005, chapter 527 makes clear that every natural person convicted of a crime must be sentenced to at least one of the listed sentencing alternatives. Depending upon which sentencing alternatives are used, a court may impose more than one and when mandated by the Legislature must do so.

Public Law 2005, chapter 527 adds to the list of sentencing alternatives applicable to an organization the sentencing alternative of a fine, suspended in whole or in part, with administrative release as authorized by Title 17-A, chapter 54-G. Public Law 2005, chapter 527 adds a reference to this alternative since a sanction authorized by section 1153 may be imposed in addition to a chapter 54-G sentencing alternative. Public Law 2005, chapter 527 makes clear that every organization convicted of a crime must be sentenced to at least one of the listed sentencing alternatives. Depending upon which sentencing alternatives are used, a court may impose more than one and when mandated by the Legislature must do so.

Public Law 2005, chapter 527 amends the law regarding notification of a defendant's release to:

1. Conform the terminology regarding the affirmative defense of insanity to that recently adopted in Title 17-A, sections 39 and 40 pursuant to Public Law 2005, chapter 263, sections 5 to 7;

2. Replace the reference to “placed in institutional confinement” under both Title 15, section 103 and Title 15, section 104-A with “committed to the custody of the Commissioner of Health and Human Services”;

3. Add references to supervised release for sex offenders pursuant to Title 17-A, chapter 50 and administrative release pursuant to Title 17-A, chapter 54-G; and

4. Add "release from commitment under Title 15, section 101-B" in provisions addressing releases that are unconditional.

Current law increasing the sentencing class one class higher for a Class B, C, D or E crime committed with the use of a dangerous weapon excludes from its application the crimes of aggravated assault and attempted aggravated assault. This exclusion was added because use of a dangerous weapon serves as a factual element of one form of the crime of aggravated assault. Public Law 2005, chapter 527 broadens the exclusion to include any crime that contains "use of a dangerous weapon" as a factual element.

Current law provides for the sentencing enhancement by one class if the defendant had 2 or more prior convictions of certain crimes, except for a conviction for stalking if the prior convictions have already served to enhance the sentencing class. Public Law 2005, chapter 527 broadens this exclusion to include any crime in which a prior conviction has already served to enhance the class of the crime.

Public Law 2005, chapter 527 clarifies that when 2 or more provisions in Title 17-A, section 1252 are pled and proved by the State to enhance the class of the crime these provisions may be applied successively as long as those to be made successive contain different class enhancement factors. For example, if the State pled and proved that the Class D crime of reckless conduct was committed with the use of a dangerous weapon and, at the time of its commission, the defendant had been convicted of 2 or more qualifying crimes, the class of the reckless conduct would be elevated successively from Class D to Class C and from Class C to Class B, because subsections 4 and 4-A constitute enhancement factors reflecting different public policy concerns.

Public Law 2005, chapter 527 removes the current exception for eligibility for deferred disposition, which is that the crime expressly provides that one or more punishment alternatives it authorizes may not be suspended. It also is important to remove this exception in order to allow the flexibility in sentencing options now available under Title 17-A, section 1348-B, subsection 1 and to recognize the fact that the Legislature also recently added a mandatory minimum fine to the Maine Criminal Code crime for assault and to all drug crimes in Title 17-A, chapter 45.

Public Law 2005, chapter 527 removes that portion of the paragraph authorizing judicial fact-finding at the sentencing hearing and requires instead that "accompanied by sexual assault" be pleaded and proved beyond a reasonable doubt to the fact-finder at the trial. The change is required under both the United States Constitution and the Constitution of Maine because "accompanied by sexual assault" is a fact incident to attempted murder or murder that makes the person a "repeat sexual assault offender" who consequently is subject to a term of imprisonment for any term of years rather than a lesser definite term as specified under Title 17-A, section 1252, subsection 2. See Blakely v. Washington, 542 U.S. 296 (2004); State v. Schofield, 2005 ME 82, 876 A.2d 43.

LD 2016 **An Act To Extend the Corrections Alternatives Advisory Committee** **PUBLIC 667 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BLANCHETTE DIAMOND	OTP-AM	H-859

LD 2016 proposed to amend Public Law 2005, chapter 386, Part J, which established the Corrections Alternatives Advisory Committee. The bill proposed to extend the life of the advisory committee to December 15, 2006, expand its membership and authorize additional meetings and a final report to the Legislature. The bill also proposed to authorize the advisory committee to carry forward any remaining funds in order to support its continued work.

Committee Amendment "A" (H-859) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 667 amends Public Law 2005, chapter 386, Part J, which established the Corrections Alternatives Advisory Committee. Public Law 2005, chapter 667 extends the life of the advisory committee to December 15, 2006, expands its membership and authorizes additional meetings and a final report to the Legislature. The bill also authorizes the advisory committee to carry forward any remaining funds in order to support its continued work.

Public Law 2005, chapter 667 was enacted as an emergency measure effective May 30, 2006.

LD 2028 **An Act To Establish a Computer Crimes Unit within the Maine State Police Crime Laboratory** **PUBLIC 676 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-519 S-674 ROTUNDO

LD 2028 was proposed by the Joint Standing Committee on Criminal Justice and Public Safety. The bill proposed to repeal the Maine Computer Crimes Task Force and create a new Computer Crimes Unit to be housed within the Maine State Police Crime Laboratory, which is part of the State Police Program. The bill proposed that the Computer Crimes Unit will consist of 6 full-time positions, 4 of which already exist and 2 that are new. The bill also proposed that the Computer Crimes Unit will continue the work of the Maine Computer Crimes Task Force by working collaboratively with the Department of the Attorney General and local law enforcement agencies for the purposes of investigation and assisting all law enforcement agencies in crimes involving computers.

Committee Amendment "A" (S-519) proposed to incorporate a fiscal note.

Senate Amendment "A" (S-674) proposed to replace the bill and to require that 3/14 of the surcharge collected and deposited in the Government Operations Surcharge Fund be paid to the Maine Criminal

Justice Academy and 1/14 of the surcharge collected and deposited in the Government Operations Surcharge Fund be paid to the State Police to supplement current funds for computer crimes investigations. The amendment proposed to repeal the statute that established the Maine Computer Crimes Task Force and appropriate funds for the creation of a new computer crimes unit to be housed within the Maine State Police Crime Laboratory, which is part of the State Police program. The computer crimes unit will consist of 6 full-time positions, 4 of which already exist and 2 that are new. The computer crimes unit will continue the work of the Maine Computer Crimes Task Force by working collaboratively with the Department of the Attorney General and local law enforcement agencies for the purposes of investigation and assisting all law enforcement agencies in crimes involving computers.

Enacted law summary

Public Law 2005, chapter 676 requires that 3/14 of the surcharge collected and deposited in the Government Operations Surcharge Fund be paid to the Maine Criminal Justice Academy and 1/14 of the surcharge collected and deposited in the Government Operations Surcharge Fund be paid to the State Police to supplement current funds for computer crimes investigations. Public Law 2005, chapter 676 repeals the statute that established the Maine Computer Crimes Task Force and appropriates funds for the creation of a new computer crimes unit to be housed within the Maine State Police Crime Laboratory, which is part of the State Police program. The computer crimes unit will consist of 6 full-time positions, 4 of which already exist and 2 that are new. The computer crimes unit will continue the work of the Maine Computer Crimes Task Force by working collaboratively with the Department of the Attorney General and local law enforcement agencies for the purposes of investigation and assisting all law enforcement agencies in crimes involving computers.

Public Law 2005, chapter 676 was enacted as an emergency measure effective June 1, 2006.

LD 2031 | **An Act To Authorize Certain County Jail Employees To Perform Certain Ministerial and Notary Functions for Inmates** | **PUBLIC 541 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-863

LD 2031 was an emergency bill introduced by the Criminal Law Advisory Commission. The bill proposed to authorizes a county jail employee to perform, without fee, the ministerial functions associated with releasing a county jail prisoner on personal recognizance or an unsecured appearance bond if a court has already ordered such a release, with or without additional conditions but without the financial conditions that would create a secured bond. LD 2031 would allow this only if the sheriff had authorized the county jail employee to perform these functions.

Committee Amendment "A" (H-863) proposed to replace the bill and that, beginning April 15, 2006, county jail employees, other than corrections officers or deputy sheriffs, who have a commission as a notary public to provide notary public services may provide those services for inmates if authorized by the sheriff. Inmates frequently require access to notary public services and unless county jail employees are allowed to perform them, there is no practical way for inmates to obtain such access. On February 28, 1989, "judicial officer or notary public" was substituted for "magistrate" in this provision, apparently in the mistaken belief that a notary public performed judicial functions. However, as of 1988 this was no

longer true, and a notary public was restricted to performing only ministerial functions. Therefore, there is no legal impediment to or conflict of interest for a jail employee to also act a notary public for inmates.

This amendment also proposed to add an emergency preamble and a retroactivity clause. Due to ignorance of the law on the part of inmates and employees alike, since 1989 numerous county jail inmates have requested and been afforded notary public services from county jail employees including notarizing documents like affidavits, wills, living wills, and powers of attorney and performing marriage ceremonies. Making this change retroactive would validate the authority to act as a notary a jail employee who provided notary services for an inmate at any time since 1989.

Enacted law summary

Beginning April 15, 2006, Public Law 2005, chapter 541 authorizes county jail employees, except corrections officers or deputy sheriffs, who have a commission as a notary public to provide notary public services for inmates if the employees are authorized to do so by the sheriff. Inmates frequently require access to notary public services and unless county jail employees are allowed to perform them, there is no practical way for inmates to obtain such access. On February 28, 1989, "judicial officer or notary public" was substituted for "magistrate" in the statute, apparently in the mistaken belief that a notary public performed judicial functions. However, as of 1988 this was no longer true, and a notary public was restricted to performing only ministerial functions. Therefore, there is no legal impediment to or conflict of interest for a jail employee to also act a notary public for inmates.

Public Law 2005, chapter 541 is retroactive, thereby validating the authority to act as a notary to a jail employee who provided notary services for an inmate at any time since 1989. Due to ignorance of the law on the part of inmates and employees alike, since 1989, numerous county jail inmates have requested and been afforded notary public services from county jail employees, including notarizing documents like affidavits, wills, living wills, and powers of attorney and performing marriage ceremonies.

Public Law 2005, chapter 541 was enacted as an emergency measure effective April 5, 2006.

LD 2044 **An Act To Enhance the Protection of Maine Families from Terrorism and Natural Disasters** **PUBLIC 634 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-1066 DUPLESSIE
		S-575
		S-651 STRIMLING

LD 2044 was recommended by the Task Force to Study Maine's Homeland Security Needs. This bill proposed to do the following:

1. Place matters pertaining to the Maine Emergency Management Agency (MEMA) and its director under the jurisdiction of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and assign that committee the responsibility of reviewing that agency under the provisions of the State Government Evaluation Act. The bill proposed to create the Homeland Security Advisory Council to advise the Governor on the coordination of homeland

security activities of state agencies and the most effective use of grant funds and to make the Director of MEMA chair of the council;

2. Direct the Statewide Radio Network Board, which consists of the Chief Information Officer and agencies using the statewide radio and network system, to develop protocols and procedures for frequency coordination throughout the State during emergencies and to obtain memoranda of understanding from certain stakeholders. The bill proposed to require the Statewide Radio Network Board to report to the Task Force to Study Maine's Homeland Security Needs on its progress by September 18, 2006. It proposed to clarify that the Chief Information Officer and other agencies using the statewide radio and network system may operate as a board to establish standards for statewide radio and network system operations;

3. Authorize the Governor to bring the balance of the Disaster Relief Fund up to $3,000,000. It proposed to require that any interest that accrues in the fund in excess of $3,000,000 be transferred by the State Controller to the Maine Budget Stabilization Fund. The bill also proposed to provide that the Disaster Relief Fund may be used for the purpose of matching federal funds in the event of a federally declared disaster and that the Director of MEMA report annually to the Governor and the Legislature on the fund's balance and expenditures beginning January 15, 2007;

4. Require the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services to coordinate with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency on the planning and expenditure of federal funds received by the center for homeland security or bioterrorism prevention. The bill also proposed to require the advisor of the Homeland Security Advisory Council to report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the use of those funds;

5. Require that the Director of MEMA be qualified by education, training or experience in the emergency management profession, appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and confirmation by the Legislature. It also proposed to provide that the director shall represent the Governor on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of the State. It proposed to require the director to conduct periodic assessments of the use of state radio frequencies in emergencies and directs the director to develop and produce emergency preparedness public service announcements to be broadcast regularly on local broadcasting networks;

6. Require the Director of MEMA to survey Maine communities to gather information on the types of emergency notification systems that are in place throughout the State, evacuation plans for nursing homes currently adopted throughout the State and shelter capabilities throughout the State, with a focus on determining how shelters are designed to accommodate populations with special needs, particularly persons with disabilities;

7. Direct the Director of the MEMA to coordinate with the Commissioner of Education to perform an assessment of the number of Maine public schools that have adopted an all-hazards approach to emergency preparedness and requires the director and the commissioner to coordinate their efforts for community outreach for all-hazards emergency planning. The bill proposed to require the director to report by September 18, 2006 to the Task Force to Study Maine's Homeland Security Needs with its findings and recommendations. This bill also proposed to require that all new schools be designed to

include backup energy generators or be wired for portable energy generators, thus enabling their use as public shelters;

8. Require the Commissioner of Education to determine methods for incorporating emergency plans within the elementary and secondary public school curriculum. It proposed to require the commissioner to report by January 15, 2007 with findings and proposed recommended changes to the curriculum 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 criminal justice and public safety matters;

9. Direct the Maine Center for Disease Control and Prevention, in conjunction with the Maine Hospital Association, to update its survey of emergency health system capacity in the State and to report to the Task Force to Study Maine's Homeland Security Needs on the results of this study and recommendations to address surge capacity by September 18, 2006; and

10. Require the Director of the Maine Center for Disease Control and Prevention to work with stakeholders to ensure that the regional resource centers are provided sufficient funding, and require the director to study the qualifications of local health officers and develop recommendations for enhancing their role in emergency preparedness plans. It proposed to require the director to report to the Task Force to Study Maine's Homeland Security Needs on the results of this study and proposed recommendations by September 18, 2006 and to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2007.

Committee Amendment "A" (S-575) proposed to do the following:

1. Direct the Commissioner of Administrative and Financial Services to recommend that, effective July 1, 2007, 45% of the rental income collected by the Department of Administrative and Financial Services, Bureau of General Services, up to $3,000,000, be transferred to the Department of Defense, Veterans and Emergency Management, Disaster Assistance Relief, Other Special Revenue Funds account for disaster assistance. The fund must be the first resource used when an emergency is proclaimed under the Maine Revised Statutes, Title 37-B, section 742 or 744;

2. Direct the Department of Education to amend its written application for funding for school construction projects to include the question: "Do you plan to use your school as a public community shelter?" The amendment also proposed to specify that in the case of a school construction project in which the school is expected to be used as a community shelter, the State Board of Education may approve only those projects designed to accommodate backup energy generators;

3. Modify the required qualifications of the Director of MEMA within the Department of Defense, Veterans and Emergency Management to require education, training or experience in managing emergencies or in the emergency management profession. The amendment proposed to specify that the Director of MEMA acts subject to the direction and control of the Commissioner of Defense, Veterans and Emergency Management. The amendment proposed to repeal an archaic reference in the duties of the Director of MEMA that specifies that the director may not require any political subdivision to participate in any program of nuclear civil protection planning. Finally, in the duties of the Director of MEMA, the amendment proposed to clarify that the director shall develop and conduct an annual program of comprehensive public education, using all appropriate means of communication to educate and inform members of the public and public officials about emergency preparedness, response, recovery and mitigation. The amendment proposed that the program must

incorporate the use of appropriate accessible formats to educate and inform individuals with disabilities, individuals who are elderly and non-English-speaking residents of Maine;

4. Expand the directive to the Director of MEMA to evaluate emergency notification systems and evacuation plans and shelters to include evaluation of plans for other long-term care facilities besides nursing homes, including home-based and community-based programs, and evacuation plans for individuals living independently in communities who due to age or disability require assistance to evacuate;

5. Strike language requiring the Director of MEMA and the Commissioner of Education to develop and incorporate emergency plans into the public school curriculum, as the law authorizes this planning, and it is currently taking place;

6. Specify that the parties to be involved in updating information on Maine's emergency health system capacity include the Director of the Center for Disease Control and Prevention within the Department of Health and Human Services, in conjunction with health system stakeholders. The amendment also proposed to specify that the Director of the Center for Disease Control and Prevention, in coordination with the Director of MEMA and the Director of Maine Emergency Medical Services within the Department of Public Safety in consultation with health system stakeholders, including the Maine Primary Care Association, the Maine Hospital Association and other interested parties, shall develop recommendations to address Maine's acute medical and public health surge capacity;

7. Direct the Director of the Maine Center for Disease Control and Prevention to work with health care and emergency management stakeholders to distribute grant funds provided by the United States Department of Health and Human Services, Health Resources and Services Administration to ensure that the regional resource centers are provided with sufficient funding resources to improve health system preparedness, within the limits of the federal funds, in accordance with the documented local needs of the federally specified funding beneficiaries: emergency medical services, poison control centers, health clinics and hospitals in each region. The amendment proposed that the Maine Center for Disease Control and Prevention shall report to the task Force to Study Maine’s Homeland Security Needs on the results of the federal Health Resources and Services Administration grant and contract with the regional resource centers and other health system providers and on proposed recommendations and to report the same information to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The amendment further proposed that the Maine Center for Disease Control and Prevention shall also report annually, beginning January 15, 2007, to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the progress of the grantees on meeting the stated contractual deliverables;

8. Repeal the application section regarding school construction projects;

9. Add several new sections to the bill, including directing the Director of the MEMA to consult with the Public Utilities Commission to determine the feasibility of adding a disability indicator to the current E-9-1-1 system in Maine to allow individuals with disabilities and special health needs to choose to provide a 2-digit code identifying special assistance needs in an emergency; directing the Maine Center for Disease Control and Prevention to submit a report to the Task Force to Study Maine's Homeland Security Needs by September 18, 2006 detailing the number of health care workers, by profession, registered in the federal Emergency System for Advance Registration of

Voluntary Health Professionals; and authorizing 2 additional meetings of the Task Force to Study Maine's Homeland Security Needs;

10. Strike language that gives the Joint Standing Committee on Criminal Justice and Public Safety jurisdiction over matters pertaining to MEMA, as oversight of the agency can be inferred from the committee's review of the agency under the State Government Evaluation Act process and by confirmation of its director; and

11. Add an appropriations and allocations section.

House Amendment "D" to Committee Amendment "A" (H-1066) proposed to strike a section from Committee Amendment "A" that altered a transfer of funding and instead proposed to increase the funding for the Task Force to Study Maine's Homeland Security Needs in order to increase the number of authorized public hearings in fiscal year 2006-07 from one to 2.

Senate Amendment "B" to Committee Amendment "A" (S-651) proposed to incorporate the changes made in House Amendment "C" to Committee Amendment "A" and to limit the Governor to transferring 10% of the balance of rental income from facilities in Limestone in the case of an emergency to provide funds for disaster relief.

House Amendment "A" to Committee Amendment "A" (H-985), which was not adopted, proposed to strike the language that modifies the required qualifications of the Director of MEMA within the Department of Defense, Veterans and Emergency Management to require education, training or experience in managing emergencies or in the emergency management profession. The amendment also proposed to strike the language that requires that the Director of MEMA be appointed by the Governor, serve at the pleasure of the Governor, be for responsible for notifying the Governor and Commissioner of Defense, Veterans and Emergency Management of all emergencies and represent the Governor on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of the State.

House Amendment "B" to Committee Amendment "A" (H-999), which was not adopted, proposed to strike the language that requires that the Director of MEMA be appointed by the Governor, serve at the pleasure of the Governor, be responsible for notifying the Governor and Commissioner of Defense, Veterans and Emergency Management of all emergencies and represent the Governor on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of the State.

House Amendment "C" to Committee Amendment "A" (H-1035), which was not adopted, proposed to give the Governor authority to take money from rental income of facilities in Limestone in the case of an emergency pursuant to the Maine Revised Statutes, Title 37-B, section 742 or 744 if money is needed for disaster relief.

This amendment also proposed to reduce the amount of rental income that the Department of Administrative and Financial Services, Bureau of General Services must transfer to the Department of Defense, Veterans and Emergency Management, Disaster Assistance Relief, Other Special Revenue Funds account for disaster assistance from 45% to 22.5%.

The amendment also proposed to require that the Director of the Maine Emergency Management Agency be appointed by the Governor upon recommendation by the Commissioner of Defense, Veterans and

Emergency Management, subject to confirmation of the joint standing committee of the Legislature having jurisdiction over the Department of Public Safety and the Legislature.

Finally, this amendment proposed to provide that, beginning July 1, 2007, a portion of the rental income from Maine Military Authority facilities in Limestone must be used for the repair and maintenance of National Guard armories in the State.

Senate Amendment "A" to Committee Amendment "A" (S-625), which was not adopted, proposed to strike a section from Committee Amendment "A" that altered a transfer of funding and instead increases the funding for the Task Force to Study Maine's Homeland Security Needs in order to increase the number of authorized public hearings in fiscal year 2006-07 from one to 2.

Enacted law summary

Public Law 2005, chapter 634 enacts a number of the interim recommendations of the Task Force to Study Maine's Homeland Security Needs, as amended by the Joint Standing Committee on Criminal Justice and Public Safety and the Legislature. Public Law 2005, chapter 634 does the following.

1. It assigns to the committee of the Legislature having jurisdiction over criminal justice and public safety matters the responsibility of reviewing the Maine Emergency Management Agency (MEMA) under the provisions of the State Government Evaluation Act.

2. It directs the Statewide Radio Network Board, which consists of the Chief Information Officer and agencies using the statewide radio and network system, to develop protocols and procedures for frequency coordination throughout the State during emergencies and to obtain memoranda of understanding from certain stakeholders. The Statewide Radio Network Board shall report to the Task Force to Study Maine's Homeland Security Needs on its progress by September 18, 2006. It also clarifies that the Chief Information Officer and other agencies using the statewide radio and network system may operate as a board to establish standards for statewide radio and network system operations.

3. Beginning July 1, 2007, it specifies, in regard to the rental income from the rental of facilities at Limestone, that, notwithstanding any other law, the Department of Administrative and Financial Services, Bureau of General Services must transfer 22.5% of the income to the Department of Defense, Veterans and Emergency Management, Disaster Assistance Relief, Other Special Revenue Funds account for disaster assistance. The total amount that may be transferred is capped at $3,000,000. In addition, notwithstanding any other law and except when the Governor in the case of a declared emergency needs money for disaster relief, the Governor may transfer no more than 10% of the balance of rental income from facilities in Limestone. It also specifies that beginning July 1, 2007, part of the rental income collected be transferred to the Department of Defense, Veterans and Emergency Management for maintenance and repair of National Guard armories in the State.

4. It creates the Homeland Security Advisory Council to advise the Governor on the coordination of homeland security activities of state agencies and the most effective use of grant funds and makes the Director of MEMA chair of the council.

5. It directs the Department of Education to amend its written application for funding for school construction projects to include the question: "Do you plan to use your school as a public community shelter?" It also requires that in the case of a school construction project in which the school is

expected to be used as a community shelter, the State Board of Education may approve only those projects designed to accommodate backup energy generators.

6. It requires the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services to coordinate with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency on the planning and expenditure of federal funds received by the center for homeland security or bioterrorism prevention. It also requires the advisor of the Homeland Security Advisory Council to report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the use of those funds.

7. It requires that the Director of the Maine Emergency Management Agency be qualified by education, training or experience in managing emergencies and be appointed by the Governor upon recommendation by the Commissioner of Defense, Veterans and Emergency Management, subject to confirmation of the joint standing committee of the Legislature having jurisdiction over the Department of Public Safety and the Legislature. It also provides that the director shall represent the Governor on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of the State. It requires the director to develop and conduct an annual program of comprehensive public education, using all appropriate means of communication to educate and inform members of the public and public officials about emergency preparedness, response, recovery and mitigation. The program must incorporate the use of appropriate accessible formats to educate and inform individuals with disabilities, individuals who are elderly and non-English-speaking residents of Maine.

8. It requires the Director of MEMA to survey Maine communities to gather information on the types of emergency notification systems that are in place throughout the State, evacuation plans for nursing homes and other long-term care facilities, including home-based and community-based programs, and evacuation plans for individuals living independently in communities who due to age or disability require assistance to evacuate.

9. It directs the Director of the MEMA to coordinate with the Commissioner of Education to perform an assessment of the number of Maine public schools that have adopted an all-hazards approach to emergency preparedness and requires the director and the commissioner to coordinate their efforts for community outreach for all-hazards emergency planning.

10. It directs the Director of the Center for Disease Control and Prevention within the Department of Health and Human Services, in conjunction with health system stakeholders, to update its survey of emergency health system capacity in the State. It also specifies that the Director of the Center for Disease Control and Prevention, in coordination with the Director of MEMA and the Director of Maine Emergency Medical Services within the Department of Public Safety in consultation with health system stakeholders, including the Maine Primary Care Association, the Maine Hospital Association and other interested parties, shall develop recommendations to address Maine's acute medical and public health surge capacity.

11. It directs the Director of the Center for Disease Control and Prevention, in conjunction with stakeholders and other interested parties, to study the qualifications and duties of local health officers in Maine and develop recommendations for enhancing the role of local health officers in emergency preparedness plans.

12. It directs the Director of the Maine Center for Disease Control and Prevention to work with health care and emergency management stakeholders to distribute grant funds provided by the United States Department of Health and Human Services, Health Resources and Services Administration to ensure that the regional resource centers are provided with sufficient funding resources to improve health system preparedness, within the limits of the federal funds, in accordance with the documented local needs of the federally specified funding beneficiaries: emergency medical services, poison control centers, health clinics and hospitals in each region. The Maine Center for Disease Control and Prevention shall report to the task Force to Study Maine's Homeland Security Needs on the results of the federal Health Resources and Services Administration grant and contract with the regional resource centers and other health system providers and on proposed recommendations. The Maine Center for Disease Control and Prevention shall report the same to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The Maine Center for Disease Control and Prevention shall also report annually, beginning January 15, 2007, to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the progress of the grantees on meeting the stated contractual deliverables.

13. It directs the Director of the MEMA to consult with the Public Utilities Commission to determine the feasibility of adding a disability indicator to the current E-9-1-1 system in Maine to allow individuals with disabilities and special health needs to choose to provide a 2-digit code identifying special assistance needs in an emergency.

14. It directs the Maine Center for Disease Control and Prevention to submit a report to the Task Force to Study Maine's Homeland Security Needs by September 18, 2006 detailing the number of health care workers, by profession, registered in the federal Emergency System for Advance Registration of Voluntary Health Professionals.

Public Law 2005, chapter 634 was enacted as an emergency measure effective May 9, 2006.

LD 2046 **An Act To Implement the Recommendations of the Attorney General's Working Group Regarding Sentencing Factors for Crimes against Persons Who Are Homeless** **PUBLIC 551**

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

LD 2046 proposed to implement the recommendations of the Attorney General's working group regarding the advisability of implementing aggravating sentencing factors for crimes against persons who are homeless, which was established pursuant to Public Law 2005, chapter 393. The bill proposed to amend the purpose section of the general sentencing provisions of the Maine Criminal Code by adding homelessness to the list of factors, such as the age, religion and sexual orientation of a victim, that a court considers in determining the gravity of an offense in sentencing.

Enacted law summary

Public Law 2005, chapter 551 implements the recommendations of the Attorney General's working group regarding the advisability of implementing aggravating sentencing factors for crimes against persons who are homeless, which was established pursuant to Public Law 2005, chapter 393. Public Law 2005, chapter 551 amends the purpose section of the general sentencing provisions of the Maine Criminal Code by adding homelessness to the list of factors, such as the age, religion and sexual orientation of a victim, that a court considers in determining the gravity of an offense in sentencing.

LD 2108 **An Act Regarding the Sentencing of Persons Convicted of Gross Sexual Assault against Victims under 12 Years of Age** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY BRENNAN		

LD 2108 proposed to require a court, in a case involving gross sexual assault against a victim who has not yet attained 12 years of age, to specify a term of imprisonment for any term of years, including a term that exceeds 30 years, which is the maximum allowed for a Class A crime. The bill proposed that, in making its determination, the court is required to start with a basic period of imprisonment of 20 years; using that term as a starting point, the court may then increase or decrease the term of imprisonment based upon all other relevant sentencing factors, both aggravating and mitigating, appropriate to that case. These sentencing factors include, but are not limited to, the character of the offender and the offender's criminal history, the effect of the offense on the victim and the protection of the public interest. LD 2108 also proposed to impose probation for life for persons convicted of gross sexual assault against persons who have not attained 12 years of age and to require that these persons, when released from prison, be subject to supervision by the Department of Corrections that includes electronic monitoring for the duration of the probation.

LD 2108 was not referred to committee. Please see LD 1717.

LD 2116 **An Act To Provide Protection for Victims of Domestic Violence** **PUBLIC 671**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING SIMPSON		

LD 2116 proposed to specify that, upon receiving information from a federal agency that through a criminal background check an individual subject to a protection from abuse order has illegally attempted to purchase a firearm, the Department of Public Safety shall share that information with the individual who is intended to be protected by the order and with another law enforcement agency with jurisdiction in the municipality in which that individual resides as quickly as practicable.

The bill also proposed to specify that the Department of Public Safety may accomplish the notification process by notifying another law enforcement agency within the county in which the individual intended to be protected by the protection from abuse order resides. The bill proposed that when the department makes notification through such a law enforcement agency, that agency then must make reasonable effort to notify as quickly as practicable the individual intended to be protected by the protection from abuse order. The bill further proposed that if, when notifying another law enforcement agency, the department is informed by that agency that it cannot notify the individual intended to be protected by the protection from abuse order, the department must continue to make its own reasonable effort to notify that individual as quickly as practicable, and this may be accomplished through a different law enforcement agency within the county in which the individual resides.

The bill also proposed to clarify that the immunity provision does not prohibit the State or a political subdivision of the State from pursuing legally authorized disciplinary action.
This bill was introduced to replace LD 1938, as amended by Committee Amendment "A," which died between the bodies.

Enacted law summary

Public Law 2005, chapter 671 specifies that, upon receiving information from a federal agency that through a criminal background check an individual subject to a protection from abuse order has illegally attempted to purchase a firearm, the Department of Public Safety shall share that information with the individual who is intended to be protected by the order and with another law enforcement agency with jurisdiction in the municipality in which that individual resides as quickly as practicable.

Public Law 2005, chapter 671 further specifies that the Department of Public Safety may accomplish the notification process by notifying another law enforcement agency within the county in which the individual intended to be protected by the protection from abuse order resides. When the department makes notification through such a law enforcement agency, that agency then must make reasonable effort to notify as quickly as practicable the individual intended to be protected by the protection from abuse order. If, when notifying another law enforcement agency, the department is informed by that agency that it cannot notify the individual intended to be protected by the protection from abuse order, the department must continue to make its own reasonable effort to notify that individual as quickly as practicable, and this may be accomplished through a different law enforcement agency within the county in which the individual resides.

LD 2118 **An Act Relating to the Handling of Firearms Confiscated by Law Enforcement Officers Pursuant to a Court Order** **PUBLIC 684**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J		S-695 DIAMOND

LD 2118 proposed to direct the Maine Criminal Justice Academy to provide training for municipal, county and state law enforcement officers regarding the proper handling, storage, safekeeping and return of firearms and firearm accessories received pursuant to a protection from abuse order.

The bill proposed to provide that in developing materials for training in domestic violence issues, the Maine Criminal Justice Academy may consult with a statewide organization involved in advocacy for

victims of domestic violence and with an organization having statewide membership representing the interests of firearms owners.

The bill also proposed to provide that a law enforcement officer who receives custody of a firearm pursuant to a protection from abuse order shall exercise reasonable care to avoid loss, damage or reduction in value of such firearm and may not permanently mark the firearm or fire the firearm unless there is reasonable suspicion that the firearm has been used in the commission of a crime. Any liability for damage or reduction in value to such a firearm is governed by the Maine Tort Claims Act.

Senate Amendment "A" (S-695) proposed to provide that the requirements of the bill begin January 1, 2008.

Enacted law summary

Public Law 2005, chapter 684 directs the Maine Criminal Justice Academy to provide training for municipal, county and state law enforcement officers regarding the proper handling, storage, safekeeping and return of firearms and firearm accessories received pursuant to a protection from abuse order.

Public Law 2005, chapter 684 provides that in developing materials for training in domestic violence issues, the Maine Criminal Justice Academy may consult with a statewide organization involved in advocacy for victims of domestic violence and with an organization having statewide membership representing the interests of firearms owners.

Public Law 2005, chapter 684 also provides that a law enforcement officer who receives custody of a firearm pursuant to a protection from abuse order shall exercise reasonable care to avoid loss, damage or reduction in value of such firearm and may not permanently mark the firearm or fire the firearm unless there is reasonable suspicion that the firearm has been used in the commission of a crime. Any liability for damage or reduction in value to such a firearm is governed by the Maine Tort Claims Act.

Public Law 2005, chapter 684 is effective January 1, 2008.

LD 84 **Resolve, To Facilitate Implementation of the Sports Done Right Program** **RESOLVE 211**

Sponsor(s)	Committee Report		Amendments Adopted
BRENNAN	OTP-AM	MAJ	S-438
CUMMINGS	OTP-AM	MIN	S-677 ROTUNDO

LD 84, which was a concept draft pursuant to Joint Rule 208, proposed to implement the recommendations of the Interscholastic Athletics Task Force.

Committee Amendment "A" (S-438) proposed the majority report of the Joint Standing Committee on Education and Cultural Affairs. This amendment proposed changing the bill to a resolve and encouraging schools and communities in Maine to collaborate with the Maine Center for Sport and Coaching to develop the Sports Done Right program to promote positive sports experiences for Maine youth. It proposed appropriating $100,000 to the Maine Center for Sport and Coaching to increase the center's capacity to offer training and expand the number of schools participating in the program.

Committee Amendment "B" (S-439) proposed the minority report of the Joint Standing Committee on Education and Cultural Affairs. It differed from the majority report in that it did not propose an appropriation. The minority report was not accepted.

Senate Amendment "A" to Committee Amendment "A" (S-677) proposed reducing the appropriation for the Sports Done Right program from $100,000 to $25,000.

Enacted law summary

Resolve 2005, chapter 211 encourages schools and communities in Maine to collaborate with the Maine Center for Sport and Coaching to develop the Sports Done Right program to promote positive sports experiences for Maine youth. It encourages the center to facilitate adoption of the Sports Done Right program in schools and communities. It encourages schools and communities to assess their athletic programs and consider participating in this program. It appropriates $25,000 to the Maine Center for Sport and Coaching to increase the center's capacity to offer training and expand the number of schools participating in the program. It requires the Maine Center for Sport and Coaching to report to the joint standing committee of the Legislature having jurisdiction over education matters on implementation of the Sports Done Right program.

LD 96 **An Act To Increase the Adult Education State Subsidy by a Specific Percentage** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	OTP-AM	S-63

LD 96 proposed to appropriate funds to increase the state subsidy for the adult education program within the Department of Education by 6% per year in fiscal years 2005-06 and 2006-07.

Committee Amendment "A" (S-63) proposed to provide that the appropriation of funds to increase the state subsidy for the adult education program within the Department of Education would be reduced from 6% per year in the bill to 4% per year in fiscal years 2005-06 and 2006-07.

This bill and its adopted amendments were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

While this bill was indefinitely postponed, the substance of the bill was addressed through a supplemental budget bill initiative, enacted as part of Public Law 2005, chapter 519, Part A, Section A-1, that provided funding to partially offset the deappropriation in Public Law 2005, chapter 12, Part XX to the adult education program.

LD 200 **An Act To Improve Teaching and Learning Conditions in Maine Schools** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON TURNER	ONTP	

LD 200, which was a concept draft pursuant to Joint Rule 208, proposed to alleviate burdens, caused by the workloads created because teachers have to satisfy school reform mandates, by enhancing teaching and learning conditions in Maine schools.

LD 405 **Resolve, To Establish an Education Pilot Program for Registered Nurses** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN PERRY A	OTP-AM	S-100

LD 405 proposed to require the President of the Maine Community College System to establish a pilot program for the education of registered nurses who are interested in employment in long-term care. The pilot program would be operated at 4 community college locations across the State and would be funded equally from the Health Care Training Fund and from private donations.

Committee Amendment "A" (S-100) proposed to revise the pilot program proposed in the resolve to require the Maine Community College System to establish a pilot program for the education of individuals who are interested in enrolling as candidates in an entry-level nursing preparation program and who have also expressed the goal of attaining a license as a registered nurse. The proposed pilot program could also provide education for entry-level candidates for the nursing preparation program who are interested in future employment in long-term care as registered nurses. The proposed pilot program would be operated at 2 community college locations in the State. The amendment also proposed to require that a scholarship fund be established with private donations to provide eligible students with funds to participate in this pilot program and proposed to provide that the Maine Health Care Association

and the Maine Community College System work together to provide leadership for raising these scholarship funds.

This bill and its adopted amendments were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

While this bill was indefinitely postponed, the substance of the bill was addressed through supplemental budget bill initiatives, that were enacted as part of Public Law 2005, chapter 519, Part A, Section A-1, that appropriated $375,000 to the Maine Community College System and $375,000 to the University of Maine System in fiscal year 2006-07, to increase the availability of education opportunities in nursing to address the shortage of nurses in the State.

LD 979 **An Act To Fund Youth Mentoring Programs** **PUBLIC 639**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	OTP-AM	H-332
EDMONDS		S-682 ROTUNDO

LD 979 proposed to establish the Maine Mentoring Partnership Grant Program administered by the Department of Education to provide grants to eligible entities for mentoring programs that provide guidance, support and encouragement to young people through the development of structured relationships. As proposed, grants would range from $1,000 to $75,000, depending on financial need.

Committee Amendment "A" (H-332) proposed to incorporate a fiscal note.

Senate Amendment "A" (S-682) proposed to change the program to which funds would be appropriated for the Maine Mentoring Partnership Grant Program, proposed to eliminate the appropriation in fiscal year 2005-06, and proposed to reduce the amount of a one-time appropriation in fiscal year 2006-07.

This bill and its adopted amendments were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

Enacted law summary

Public Law 2005, chapter 639 establishes the Maine Mentoring Partnership Grant Program administered by the Department of Education through the Jobs for Maine's Graduates program to provide grants to eligible entities for mentoring programs that provide guidance, support and encouragement to young people through the development of structured relationships. Grants range from $1,000 to $75,000, depending on financial need. The law also provides a one-time General Fund appropriation of $25,000 in fiscal year 2006-07 to the Jobs for Maine's Graduates program.

LD 1055 **An Act To Require Academic and Community Input into Major Decisions of the University of Maine System** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COWGER	ONTP	
LERMAN		

LD 1055, which was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature, proposed to require the University of Maine System to seek input from parties, including administration and faculty members of campuses and colleges, municipalities and the Maine Community College System, that would be affected by a major policy decision by the University of Maine System.

LD 1332 **Resolve, Directing the Department of Education To Establish a Secondary Vocational Education Facility in Washington County** **ONTP**

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

LD 1332, which was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature, proposed to direct the Department of Education to establish a secondary vocational education facility in Washington County.

LD 1349 **An Act To Encourage Neighborhood Schools and To Minimize Sprawl Caused by School Siting** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	ONTP	
MILLS P		

LD 1349, which was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature, proposed to encourage the building of schools only in areas of a municipality that already are served or will be served by a public infrastructure, such as sewer and water systems, sidewalks and bicycle paths. It proposed to allow the State Board of Education to approve school construction only if the site is within an area that is a designated growth area, an area served by a public sewer system, a census-designated place or a compact area. For a site meeting none of these criteria, the bill proposed to require adoption of a comprehensive plan and zoning ordinance by the municipality before the state board may approve a project.

LD 1381 **An Act To Update Teachers' Minimum Salaries** **PUBLIC 635**

Sponsor(s)	Committee Report		Amendments Adopted	
MITCHELL	OTP-AM	A	S-577	
DAVIS G	ONTP	B	S-620	MITCHELL
	OTP-AM	C		

LD 1381, which was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature, proposed to update the law that established a minimum teachers' salary, starting in 1987, of $15,500, an amount that is now outdated and proposed to increase the amount to $30,000. The bill also proposed to establish a method for future periodic updating of the minimum salary amount and proposed to outline procedures for the distribution of funds for teachers' salaries.

Committee Amendment "A" (S-577), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill to accomplish the following.

1. It proposed to establish a minimum salary for certified teachers at $30,000 for the school year starting June 30, 2006.

2. It proposed to repeal statutory language that would limit the amount a school administrative unit could be required to increase the salary of any teacher to no more than $500 in one school year.

3. It proposed to revise the statutes that define the categories of targeted funds within the Essential Programs and Services Funding Act by striking the term "assessment" and replacing it with the term "implementation of a standards-based system" to broaden this targeted fund definition to reflect the work that has been done to implement a standards-based system of educating children in kindergarten through grade 12.

4. It proposed to provide that, for fiscal year 2006-07 only, a portion of targeted funds to implement a standards-based system would be dedicated to the achievement of a minimum teacher salary of $30,000 per year beginning in the school year starting after June 30, 2006.

5. It proposed to add an appropriations and allocations section that covers the cost of the increase in teachers' salaries.

6. It proposed to amend Public Law 2005, chapter 519, Part J to adjust the total allocation of funds to include the minimum teacher salary.

Senate Amendment "A" to Committee Amendment "A" (S-620) proposed to amend Committee Amendment "A" to accomplish the following.

1. It proposed to establish a minimum salary of $27,000 for certified teachers for the school year starting after June 30, 2006.

2. It proposed to establish a minimum salary of $30,000 for certified teachers for school years starting after June 30, 2007.

3. It proposed to provide that the intent of the Legislature would be that the State provide 100% of the funding from state General Fund appropriations to achieve the $27,000 minimum salary for certified

teachers for the 2006-2007 school year and to achieve the $30,000 minimum salary for certified teachers for the 2007-2008 school year, including dedicating a portion of the targeted funds to implement a standards-based system for fiscal year 2006-07.

4. It proposed to provide that, beginning in school year 2008-2009, the funding necessary to continue to provide the $30,000 minimum salary for certified teachers who are employed by qualifying school administrative units must be included as an adjustment to the state share provided to qualifying school administrative units in the determination of the state and local shares calculated in accordance with the Essential Programs and Services Funding Act.

5. It proposed to provide that, in school year 2009-2010 and each subsequent school year, money from the state General Fund would be allocated to continue this adjustment for the minimum salary for certified teachers who were employed by qualifying school administrative units in school year 2008-2009 and who continued to be employed in the same school administrative units in the subsequent school year.

6. It proposed to indicate that it would be the intent of the Legislature that the 123rd Legislature appropriate at least $2,118,308 in fiscal year 2007-08 to carry out the purpose of the Maine Revised Statutes, Title 20-A, section 13406 and section 15689, subsection 7, paragraph C.

7. It also proposed to indicate that the intent of the Legislature would be that the amount required to meet the employer share of teacher retirement costs attributable to achieving the minimum teacher salary in fiscal year 2006-07 and fiscal year 2007-08 be appropriated or allocated to the Maine State Retirement System in the appropriate fiscal year, including dedicating a portion of the targeted funds to implement a standards-based system in fiscal year 2006-07 to meet the employer share of teacher retirement costs attributable to achieving a $27,000 minimum teacher salary in fiscal year 2006-07.

8. It proposed to amend Public Law 2005, chapter 519, Part J to adjust the total allocation of funds to be distributed in fiscal year 2006-07 under the Essential Programs and Services Funding Act to include the minimum teacher salary.

Enacted law summary

Public Law 2005, chapter 635 updates the law that established a minimum teachers' salary, starting in 1987, of $15,500, an amount that is now outdated. The law accomplishes the following.

1. It increases the amount to $27,000 for certified teachers for the school year starting after June 30, 2006; and establishes a minimum salary of $30,000 for certified teachers for school years starting after June 30, 2007.

2. It repeals statutory language that limits the amount a school administrative unit may be required to increase the salary of any teacher to no more than $500 in one school year.

3. It provides that the intent of the Legislature is that the State provide 100% of the funding from state General Fund appropriations to achieve the $27,000 minimum salary for certified teachers for the 2006-2007 school year and to achieve the $30,000 minimum salary for certified teachers for the 2007-2008 school year, including dedicating a portion of the targeted funds to implement a standards-based system for fiscal year 2006-07.

4. It provides that, beginning in school year 2008-2009, the funding necessary to continue to provide the $30,000 minimum salary for certified teachers who are employed by qualifying school administrative units must be included as an adjustment to the state share provided to qualifying school administrative units in the determination of the state and local shares calculated in accordance with the Essential Programs and Services Funding Act.

5. It also provides that, in school year 2009-2010 and each subsequent school year, money from the state General Fund must be allocated to continue this adjustment for the minimum salary for certified teachers who were employed by qualifying school administrative units in school year 2008-2009 and who continue to be employed in the same school administrative units in the subsequent school year.

6. It indicates that it is the intent of the Legislature that the 123rd Legislature appropriate at least $2,118,308 in fiscal year 2007-08 to carry out the purpose of the Maine Revised Statutes, Title 20-A, section 13406 and section 15689, subsection 7, paragraph C.

7. It also indicates that the intent of the Legislature is that the amount required to meet the employer share of teacher retirement costs attributable to achieving the minimum teacher salary in fiscal year 2006-07 and fiscal year 2007-08 be appropriated or allocated to the Maine State Retirement System in the appropriate fiscal year, including dedicating a portion of the targeted funds to implement a standards-based system in fiscal year 2006-07 to meet the employer share of teacher retirement costs attributable to achieving a $27,000 minimum teacher salary in fiscal year 2006-07.

8. The law amends Public Law 2005, chapter 519, Part J to adjust the total allocation of funds to be distributed in fiscal year 2006-07 under the Essential Programs and Services Funding Act to include the minimum teacher salary.

LD 1387 **Resolve, To Promote Training Centers for Entrepreneurship** **RESOLVE 210**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON J	OTP-AM	H-482
MITCHELL		S-666 ROTUNDO

LD 1387, which was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature, proposed to include entrepreneurship education principles in the next review of the system of learning results. It proposed to require the Chancellor of the University of Maine System and the President of the Maine Community College System to develop an entrepreneurship curriculum to be implemented at all University of Maine System and Maine Community College System campuses and to market community colleges as training centers for business owners and operators. This resolve also proposed to establish the Entrepreneurship Education Task Force comprised of the Commissioner of Education, Chancellor of the University of Maine System and the President of the Maine Community College System. This resolve further proposed to direct the Maine Community College System to implement a statewide entrepreneurship training program that covers key aspects of starting a business; and proposed an appropriation of $370,000 over 2 years to make the program available to the widest possible audience.

Committee Amendment "A" (H-482) proposed to change the title of the resolve and remove the directives for curriculum development. It proposed to require that the Chancellor of the University of

Maine System and the President of the Maine Community College System review course offerings relating to entrepreneurship and to promote their campuses as entrepreneur training centers. It also proposed to remove all the directives to the Commissioner of Education regarding entrepreneurship at the elementary and secondary levels.

Senate Amendment "A" to Committee Amendment "A" (S-666) proposed to replace the resolve as amended by Committee Amendment "A". It proposed to require that the University of Maine System and the Maine Community College System review course offerings relating to entrepreneurship and promote their campuses as entrepreneur training centers. It also proposed to require the Commissioner of Education, the Chancellor of the University of Maine System and the President of the Maine Community College System to meet regularly to review entrepreneurship education within elementary, secondary and postsecondary schools and to report on the state of entrepreneurship education in the State to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs no later than February 1, 2007.

Enacted law summary

Resolve 2005, chapter 210 requires that the University of Maine System and the Maine Community College System review course offerings relating to entrepreneurship and promote their campuses as entrepreneur training centers. The resolve also requires the Commissioner of Education, the Chancellor of the University of Maine System and the President of the Maine Community College System to meet regularly to review entrepreneurship education within elementary, secondary and postsecondary schools and to report on the state of entrepreneurship education in the State to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs no later than February 1, 2007.

LD 1425 **An Act To Support the Efficient Implementation of Maine's Learning Results** **PUBLIC 593**

Sponsor(s)	Committee Report		Amendments Adopted
CUMMINGS	OTP-AM	MAJ	H-913
WESTON	ONTP	MIN	

LD 1425, which was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature, proposed to provide financial support to existing nongovernmental education organizations that create and manage statewide and regional networks that provide Maine learning results implementation support and services to Maine educators and school systems.

Committee Amendment "A" (H-913), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill to accomplish the following.

1. It proposed to alter the requirement that the Department of Education provide technical assistance to school administrative units in establishing their local assessment systems to clarify that the department should provide technical assistance in using assessments to inform teaching and learning.

2. It proposed to establish a moratorium for the 2006-2007 school year for those local assessment system activities that are designed to certify student achievement and clarifies that assessments that are used to inform teaching and learning are exempt from the moratorium.

3. It proposed to clarify that the moratorium established for the 2006-2007 school year for certain activities within each school administrative unit's local assessment system would not affect other statutory requirements related to the implementation of the system of learning results.

4. It proposed to provide that the Department of Education should establish quality standards for the comprehensive state and local assessment system.

5. It proposed to provide that, for fiscal year 2006-07, the Commissioner of Education could expend and disburse up to $1,000,000 of the $2,000,000 appropriated by the Legislature to carry out the purposes of Public Law 1995, chapter 649, sections 6 and 7 to provide targeted professional development or technical assistance to increase the capacity of school administrative units to implement the system of learning results.

Enacted law summary

Public Law 2005, chapter 593 amends the statutory requirements related to the local assessment system that school administrative units must comply with in implementing the system of learning results. The law accomplishes the following.

1. It alters the requirement that the Department of Education provide technical assistance to school administrative units in establishing their local assessment systems to clarify that the department shall provide technical assistance in using assessments to inform teaching and learning.

2. It establishes a moratorium for the 2006-2007 school year for those local assessment system activities that are designed to certify student achievement and clarifies that assessments that are used to inform teaching and learning are exempt from the moratorium.

3. It clarifies that the moratorium established for the 2006-2007 school year for certain activities within each school administrative unit's local assessment system does not affect other statutory requirements related to the implementation of the system of learning results.

4. It provides that the Department of Education shall establish quality standards for the comprehensive state and local assessment system.

5. It provides that, for fiscal year 2006-07, the Commissioner of Education may expend and disburse up to $1,000,000 of the $2,000,000 appropriated by the Legislature to carry out the purposes of Public Law 1995, chapter 649, sections 6 and 7 to provide targeted professional development or technical assistance to increase the capacity of school administrative units to implement the system of learning results.

LD 1640 **An Act To Permit Charter Schools in Maine** **ONTP**

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

LD 1640, which was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature, proposed to allow certain educational bodies to approve the establishment of charter schools, a new type of public school, to be a part of the State's program of public education. The charter school pilot program proposed to be established under this bill would permit up to 20 charter schools to be authorized during a 10-year pilot phase. A charter school would be approved for a renewable 5-year term, with a major review of the operations and achievements of the charter school prior to renewal.

Charter schools could be conversions of existing public schools or school administrative units, new schools or existing nonprofit, nonsectarian schools that would convert to charter status. A chartering authority could be a local school board or an officially recognized unit of the University of Maine System or one of its universities, the Maine Community College System or one of its colleges or the Maine Maritime Academy.

Charter schools would be created to offer students and parents more education options to meet the diversity of learning needs of Maine's children. Charter schools would be open to all students equally, though they could specialize in serving a particular age group, a specific geographic area or a student population with specific needs. A charter school could not be affiliated with a religious institution and would be required to be nonsectarian in its programs, practices and policies.

At least 50% of the charter school's teaching staff would be required to hold appropriate teaching certificates. Teachers in charter schools would be employees of the charter school and would have the right to organize and bargain collectively in a separate unit or could choose to operate the charter school themselves as partners or members of a cooperative.

Charter schools would be funded by per-pupil allocations from state and local sources based on the essential programs and services model of school funding. The state and local per-pupil payments would be sent to each charter school or other public school chosen for each child. Funds for operating costs, transportation costs, vocational costs and special education costs would be4 required to follow each child to the public charter school chosen.

Committee Amendment "A" (S-471), which was the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to accomplish the following.

1. It proposed to clarify that the central purposes of establishing charter schools would be to expand learning opportunities for disengaged students who are underserved by the current educational system and to increase the likelihood that students will excel in a standards-based educational system.

2. It proposed to provide that a chartering authority may grant a charter only to a charter school organizer whose proposal includes, as the primary purpose of the charter school, the intention to seek to expand learning opportunities for disengaged students who are underserved by the current educational system.

3. It proposed to provide that only those units of the University of Maine System that are authorized to confer baccalaureate degrees in education, as well as school boards, would be eligible to become chartering authorities, and it further proposed to provide that no more than 5 charter schools may be authorized by an eligible unit of the University of Maine System.

4. It proposed to expand the list of entities that are eligible to apply to be charter school organizers to include school administrative units, public alternative educational programs and schools that are approved by the Commissioner of Education in accordance with the Maine Revised Statutes, Title 20-A, section 2501 or section 7253.

5. It proposed to lower the limit established in the bill for the percentage of a school administrative unit's public school students per grade level that a charter school may enroll from 20% to 10%.

6. It proposed to require that all of the full-time teachers at a charter school hold an appropriate teaching certificate and meet the highly qualified standards for teachers in accordance with the provisions of the federal No Child Left Behind Act of 2001.
7. It proposed to provide that the school administrative unit in which the student resides may retain up to 2% of the per-pupil allocation, which would otherwise follow the student to the charter school, to cover associated administrative costs.

8. It proposed to provide that charter schools may not be established as home-based programs.

9. It proposed to make a technical correction to change the date of the Maine State Retirement System review of the laws governing participating local districts' retirement plans to November 28, 2006.

This proposed amendment was not adopted.

LD 1742 **An Act To Amend the Law Governing Warrant Funding for Education Warrants** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER NORTON	ONTP	

LD 1742, which was a concept draft pursuant to Joint Rule 208, proposed to amend the language regarding warrant funding to municipalities for education to ensure that the language regarding increases in spending is not presented in either a positive or negative manner, but rather is presented in a manner that is entirely neutral.

While this bill was indefinitely postponed, the substance of the bill was addressed through a supplemental budget bill initiative, enacted as part of Public Law 2005, chapter 519, Part AAAA, Section AAAA-17 and Section AAAA-18.

LD 1745 **An Act To Provide State Funding for the Fingerprinting of School Personnel** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
COURTNEY	OTP-AM	MAJ	S-520
CAMPBELL	ONTP	MIN	

LD 1745 proposed to require the State to pay for fingerprinting of school personnel. The bill also proposed to require the State to reimburse those who have been fingerprinted and have paid for the fingerprinting.

LD 1755 **An Act To Extend Tuition Waivers to Persons Who Have Resided in Subsidized Adoptive Care or Who Have Subsidized Guardians** **PUBLIC 471**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP-AM	S-442
CURLEY		

LD 1755 proposed extending the availability of tuition waivers to include persons who had been in the custody of the Department of Health and Human Services and were in subsidized adoptive care or under subsidized permanency guardianship at the time those persons graduated from high school or successfully completed a GED.

Committee Amendment "A" (S-442) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 471 extends the availability of tuition waivers to include persons who had been in the custody of the Department of Health and Human Services and were in subsidized adoptive care or under subsidized permanency guardianship under the Maine Revised Statutes, Title 22, section 4038-D at the time those persons graduated from high school or successfully attained a high school equivalency diploma.

LD 1766 **An Act To Further the Implementation of the Essential Programs and Services Funding Model** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report		Amendments Adopted
MITCHELL	OTP-AM	A	
NORTON	OTP-AM	B	
	ONTP	C	

LD 1766 proposed to provide for the continuing implementation of essential programs and services, or "EPS," necessitated by current statutory requirements and proposed to make changes designed to achieve

the goals of the EPS funding model of adequacy and equity in the funding of education for kindergarten to grade 12.

Committee Amendment "A" (S-566), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to make the following changes to the bill.

1. It proposed to clarify the language that must be included in the warrant article that is presented annually to the legislative body of each school administrative unit for the additional local appropriation that voters may elect to raise and expend for education.

2. It proposed to amend the definition of "predicted per-pupil transportation costs" to provide the most beneficial recognition of a school administrative unit's transportation costs beginning in fiscal year 2006-07. Under this new definition, a school unit's predicted per-pupil transportation costs would be the greater of the current pupil density model and the average of the pupil density model and an odometer mile model.

3. It proposed to provide a transition adjustment for fiscal year 2006-07 to provide additional state subsidy to those school administrative units that have experienced a significant increase in the property valuation as compared to the statewide average increase in property valuation from 2004 to 2005.

4. Beginning in fiscal year 2007-08, it proposed to provide for an adjustment to the minimum state allocation for certain outlier school administrative units whose state share of debt service costs were adversely impacted due to the changes in recognizing debt service costs with the enactment of Public Law 2005, chapter 2 related to the Essential Programs and Services Funding Act.

5. It proposed to provide that, beginning no later than fiscal year 2007-08, gifted and talented education costs must be included in the operating cost calculations of the Essential Programs and Services Funding Act.

6. It proposed to provide that, beginning no later than fiscal year 2008-09, career and technical education costs must be included in the operating cost calculations of the Essential Programs and Services Funding Act.

7. It proposed to establish an amended review cycle for reviewing and proposing updates to cost components in the Essential Programs and Services Funding Act, and it clarifies that the Department of Education must present any recommended changes based on its review to the Legislature.

While this bill as amended by the committee amendment died between houses, the substance of the bill was addressed through a supplemental budget bill initiative, enacted as part of Public Law 2005, chapter 519, Part AAAA, which included the provisions for transition adjustments for eligible school administrative units that are included in this amendment and incorporates all of the statutory changes proposed in this amendment.

LD 1772 **An Act To Improve Early Childhood Special Education** **PUBLIC 662 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM MAJ ONTP MIN	S-585

LD 1772 proposed to consolidate and reorganize the delivery of early childhood special education services including the child development services system to achieve efficiencies of cost and effectiveness of childhood special education programs.

Committee Amendment "A" (S-585), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill to accomplish the following.

1. It proposed to consolidate the provisions of early childhood special education, from birth to 2 years of age, and of special education, from 3 years of age to 20 years of age, into one unified set of statutory provisions for birth to 20 years of age.

2. It proposed to direct the Department of Education to amend the department rules established for the provision of special education services to eligible children from 5 years of age to 20 years of age into one unified set of department rules for the provision of special education programs and services for eligible infants, toddlers and children from birth to 20 years of age. The Department of Education would be directed to adopt emergency rules, which are designated as major substantive rules, which combine the department rules in rules chapter 101 established for the provision of special education services to eligible children from 5 years of age to 20 years of age with the department rules in rules chapters 180 and 182 established for the Child Development Services System.

3. It proposed to revise existing state statutes to align with the recently reauthorized federal Individuals with Disabilities Education Act, which was amended by the Federal Government in 2004.

4. It proposed to require that "related services" be provided at public expense to children with disabilities. "Related services" means special education transportation and such developmental, corrective and other related services, as defined by the commissioner, as are required to assist children with disabilities to benefit from their special education programs.

5. It further proposed to amend state statutes to ensure consistent terminology, including replacing the term exceptional student with the term child with a disability.

6. It proposed to reorganize the responsibilities of the Department of Education, the state intermediate educational unit and the 16 regional sites of the Child Development Services System in order to enhance the effectiveness of early childhood special education programs and to achieve efficiencies of cost to realize administrative savings within the Child Development Services System as required by Public Law 2005, chapter 12, Part YY.

7. It proposed to establish initiatives within the early childhood special education program that centralize fiscal administration, salary and benefits administration and data management policies and procedures beginning with the fiscal year starting on July 1, 2006.

8. It proposed to provide the Commissioner of Education with the duty to determine and approve the annual entitlement application and the budget presented by the respective boards of directors of the 16 regional sites within the Child Development Services System.

9. It proposed to establish the Subcommittee To Study Early Childhood Special Education, a 28-member subcommittee, to study early childhood special education programs and services provided for infants and young children from birth to 8 years of age. The subcommittee should function as a subcommittee of the Task Force on Early Childhood, an initiative of the Children's Cabinet that proposes to implement a state plan for comprehensive early childhood systems. The subcommittee should submit a report to the Commissioner of Education and the Commissioner of Health and Human Services and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 31, 2007. The subcommittee would have the authority to submit legislation to the First Regular Session of the 123rd Legislature to implement the recommendations contained in its report.

Enacted law summary

Public Law 2005, chapter 662 consolidates and reorganizes the delivery of early childhood special education services including the child development services system, to achieve efficiencies of cost and effectiveness of childhood special education programs. The law accomplishes the following.

1. It consolidates the provisions of early childhood special education, from birth to 2 years of age, and of special education, from 3 years of age to 20 years of age, into one unified set of statutory provisions for birth to 20 years of age.

2. It directs the Department of Education to amend the department rules established for the provision of special education services to eligible children from 5 years of age to 20 years of age into one unified set of department rules for the provision of special education programs and services for eligible infants, toddlers and children from birth to 20 years of age. The Department of Education must adopt emergency rules, which are designated as major substantive rules, which combine the department rules in rules chapter 101 established for the provision of special education services to eligible children from 5 years of age to 20 years of age with the department rules in rules chapters 180 and 182 established for the Child Development Services System.

3. It revises existing state statutes to align with the recently reauthorized federal Individuals with Disabilities Education Act, which was amended by the Federal Government in 2004.

4. It requires that “related services” be provided at public expense to children with disabilities. “Related services” means special education transportation and such developmental, corrective and other related services, as defined by the commissioner, as are required to assist children with disabilities to benefit from their special education programs.

5. It further amends state statutes to ensure consistent terminology, including replacing the term “exceptional student” with the term “child with a disability.”

6. It reorganizes the responsibilities of the Department of Education, the state intermediate educational unit and the 16 regional sites of the Child Development Services System in order to enhance the effectiveness of early childhood special education programs and to achieve efficiencies of cost to realize administrative savings within the Child Development Services System as required by Public

Law 2005, chapter 12, Part YY.

7. It establishes initiatives within the early childhood special education program that centralize fiscal administration, salary and benefits administration and data management policies and procedures beginning with the fiscal year starting on July 1, 2006.

8. It provides the Commissioner of Education with the duty to determine and approve the annual entitlement application and the budget presented by the respective boards of directors of the 16 regional sites within the Child Development Services System.

9. It establishes the Subcommittee To Study Early Childhood Special Education, a 28-member subcommittee, to study early childhood special education programs and services provided for infants and young children from birth to 8 years of age. The subcommittee shall function as a subcommittee of the Task Force on Early Childhood, an initiative of the Children's Cabinet that proposes to implement a state plan for comprehensive early childhood systems. The subcommittee shall submit a report to the Commissioner of Education and the Commissioner of Health and Human Services and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 31, 2007. The subcommittee has the authority to submit legislation to the First Regular Session of the 123rd Legislature to implement the recommendations contained in its report.

Public Law 2005, chapter 662 was enacted as an emergency measure effective May 30, 2006.

LD 1780 **An Act Concerning Members of School Administrative Districts' Finance Committees** **PUBLIC 496**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B BRYANT M	OTP	

LD 1780 proposed that the finance committee of a board of directors for a school administrative district would be made up of at a minimum 3 members. Current law sets the membership at 3 members.

Enacted law summary

Public Law 2005, chapter 496 establishes that the finance committee of a board of directors for a school administrative district be made up of at a minimum 3 members.

LD 1785 **An Act To Promote Economic Development by Enhancing Educational Opportunities** **P & S 69 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-497
NORTON		S-669

LD 1785, which was a concept draft pursuant to Joint Rule 208, proposed to continue the college transitions pilot projects that are in place in 7 adult education programs.

Committee Amendment "A" (S-497) proposed directing the Department of Education to work towards expanding the number of adult education programs offering services to facilitate the successful transition to college. It proposed appropriating $305,000 to fund continuation of existing programs and to initiate a phase-in of additional programs.

Senate Amendment "A" to Committee Amendment "A" (S-669) proposed deappropriating excess funds in the Homestead Property Tax Exemption Reimbursement program and in the Debt Service - Government Facilities Authority program and providing additional funding for the University of Maine System and the Maine Community College System.

Enacted law summary

Private and Special Law 2005, chapter 69 directs the Department of Education to work towards expanding the number of adult education programs offering services to facilitate the successful transition to college to 30 sites over a 5-year period. The law directs the Department of Education to work with interested parties in developing criteria for selecting sites and specifies that 7 pilot programs currently in operation serve as a model for programs at additional sites. The law further directs the Department of Education to provide a progress report no later than January 15, 2007, and a final report by January 15, 2008, to the joint standing committee of the Legislature having jurisdiction over education matters.

The law deappropriates excess funds in the Homestead Property Tax Exemption Reimbursement program and in the Debt Service - Government Facilities Authority program and appropriates an additional $4,200,000 in ongoing funding for the University of Maine System and an additional $1,600,000 in ongoing funding for the Maine Community College System.

Private and Special Law 2005, chapter 69 was enacted as an emergency measure effective June 2, 2006.

LD 1790 **An Act Concerning the Implementation of Cuts in Child Development Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	ONTP	

LD 1790, which was a concept draft pursuant to Joint Rule 208, proposed to require a legislative review of and changes to the implementation of funding cuts in child development services that have been proposed by the Department of Education.

LD 1798 **An Act Regarding Standardized Testing in Maine** **ONTP**

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

LD 1798 proposed to require the commissioner to submit any alternative assessment program to the Legislature for its approval. The bill also proposed to delay the implementation of the Scholastic Aptitude Test, as an alternative assessment for grade 11, until the 2007 school year. Current law requires the Commissioner of Education to establish a statewide assessment program to measure and evaluate achievement of learning results, but permits the commissioner to establish an alternative assessment for students in grade 11.

LD 1807 **An Act To Establish the Penobscot Language Preservation Fund in the Department of Education** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
SOCKALEXIS	OTP-AM	H-780

LD 1807 proposed to establish the Penobscot Language Preservation Fund and proposed to appropriate funds for the Department of Education to provide financial assistance to the Penobscot Indian Nation to develop a program to maintain and preserve the Penobscot language. The proposed language program must be maintained and managed under the auspices of the tribal cultural and historic preservation department. These funds would also be used to match other funding sources.

LD 1818 **An Act To Allow School Districts To Recover Certain Funds** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RINES	ONTP	

LD 1818 proposed to provide that targeted funds be paid to the school administrative unit or private school that each student attends in addition to tuition rates calculated pursuant to the Maine Revised Statutes, Title 20-A, chapter 219.

LD 1821 **An Act To Authorize Flexibility in School Attendance Requirements in Emergencies** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

LD 1821 proposed allowing the Commissioner of Education, in times of emergency, as declared by the Governor, to reduce the total number of instructional days a school is required to be in session. As proposed, the commissioner could also authorize a school board to offset, approximately, the reduction in instructional days through an increase in the length of the instructional day that the school is actually in session.

LD 1826 **An Act To Clarify Provisions Governing Technical Education** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	ONTP	

LD 1826 proposed to specify that the laws governing driver education courses do not apply to line worker training programs provided by the Maine Community College System.

LD 1843 **An Act To Require Legislative Approval of Changes Made to the Educational Assessment Testing** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

LD 1843 proposed to require the commissioner to submit any alternative assessment program to the Legislature for its approval. Current law requires the Commissioner of Education to establish a statewide assessment program to measure and evaluate achievement of learning results. The current assessment program used for students in grades 4, 8 and 11 is the Maine Educational Assessment. The commissioner is permitted to establish an alternative assessment for students in grade 11.

LD 1851 **An Act Relating to the Flanders Bay Community School District** **P & S 39 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BIERMAN	OTP	

LD 1851 proposed to remove existing uncertainties with respect to the name and legal authority of the governing body of the Flanders Bay Community School District. The bill proposed to clarify the

authority of the district school committee of the Flanders Bay Community School District to act as the governing body of the district; provide that the district is governed by the laws of the State applicable to community school districts; and validate and approve all prior actions and obligations of the district and its governing body.

Enacted law summary

Private and Special Law 2005, chapter 39 removes existing uncertainties with respect to the name and legal authority of the governing body of the Flanders Bay Community School District. The law clarifies the authority of the district school committee of the Flanders Bay Community School District to act as the governing body of the district, provides that the district is governed by the laws of the State applicable to community school districts, and validates and approves all prior actions and obligations of the district and its governing body.

Private and Special Law 2005, chapter 39 was enacted as an emergency measure effective March 17, 2006.

LD 1867 **An Act To Amend the Elementary School Closing Process for School Administrative Districts and Community School Districts** **ONTP**

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

LD 1867 proposed to eliminate the requirement for a referendum vote in a member municipality of a school administrative district or community school district where the school board has voted to close an elementary school. Under the proposed bill, a referendum vote could still be triggered by a petition signed by 10% of the number of voters in the affected municipality who voted in the last gubernatorial election.

LD 1876 **An Act To Inform Parents of Students' Privacy Rights** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FARRINGTON	ONTP	
BROMLEY		

LD 1876 proposed to require all secondary schools subject to the No Child Left Behind Act of 2001 to provide each parent, or student who is 18 years of age, with specific information regarding the requirements of the No Child Left Behind Act. The federal No Child Left Behind Act of 2001 requires secondary schools that receive federal funding to provide a student's name, address and telephone listing to military recruiters and institutions of higher education. Schools are required to notify parents of the requirements of the No Child Left Behind Act, but this may be done through a letter in the student handbook. A parent may request that such information not be released. This bill proposed to require the school to provide each parent, or a student who is at least 18 years of age, with a form that allows the parent or student to prohibit the school from providing information about the student to military recruiters

or institutions of higher education or both. The parent or student would notify the school of the parent's or student's option through a number of means, including e-mail and regular mail. In addition, this bill proposed that, if a school provides an emergency contact form to parents, it would include the opt-out form on the emergency contact form.

LD 1902 **An Act Concerning Energy Conservation in Schools** **PUBLIC 499**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	OTP-AM	H-791

LD 1902 proposed to raise the allowable contract cost for improving school energy conservation or combined energy conservation and air quality improvements from $1,000,000 to $2,000,000.

Committee Amendment "A" (H-791) proposed to retain the provision in the bill that raises the allowable contract cost for making school energy conservation or combined energy conservation and air quality improvements from $1,000,000 to $2,000,000. The amendment also proposed to decrease the length of the allowable contract from 20 years to 15 years and proposed to clarify that a school administrative unit could enter into such an improvement contract only for an existing school administrative unit facility. It further proposed to provide that a school administrative unit's costs for entering into such an improvement contract would not be applicable to school construction project costs, the debt service on which would be eligible for subsidy purposes under the Maine Revised Statutes, Title 20-A, section 15907.

Enacted law summary

Public Law 2005, chapter 499 raises the allowable contract cost for improving school energy conservation or combined energy conservation and air quality improvements from $1,000,000 to $2,000,000. The law also decreases the length of the allowable contract from 20 years to 15 years and clarifies that a school administrative unit may enter into such an improvement contract only for an existing school administrative unit facility. The law further provides that a school administrative unit's costs for entering into such an improvement contract are not applicable to school construction project costs, the debt service on which is eligible for subsidy purposes under the Maine Revised Statutes, Title 20-A, section 15907.

LD 1903 **An Act To Restore the Cost-sharing Agreement Established by the Voters of Maine School Administrative District No. 40** **P & S 38 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER DOW	OTP-AM	H-771

LD 1903 proposed to reestablish the cost-sharing agreement established in 1992 at a referendum election by the voters of Maine School Administrative District No. 40. That cost-sharing formula apportions all the local share contributions to the school district on the basis of 50% of each town's valuation and 50% of each town's student population. The bill also proposed to preserve the right of the voters of the school district to amend that formula in the future according to the procedures to amend cost-sharing

arrangements that are available under current law. Locally approved school administrative district cost-sharing agreements were preempted by Public Law 2003, chapter 712, which first became effective for the 2005-06 school fiscal year. In some districts, that preemption caused significant changes in the local financial obligations among the municipalities participating in those school districts.

Committee Amendment "A" (H-771) proposed to incorporate a fiscal note.

Enacted law summary

Private and Special Law, chapter 38 reestablishes the cost-sharing agreement established in 1992 at a referendum election by the voters of Maine School Administrative District No. 40. That cost-sharing formula apportions all the local share contributions to the school district on the basis of 50% of each town's valuation and 50% of each town's student population. The law also preserves the right of the voters of the school district to amend that formula in the future according to the procedures to amend cost-sharing arrangements that are available under current law.

Private and Special Law 2005, chapter 38 was enacted as an emergency measure effective March 17, 2006.

LD 1936 **An Act To Improve the Oral Health of Maine's Children** **PUBLIC 653**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP-AM	S-498
SMITH N		S-672 ROTUNDO

LD 1936 proposed expanding the health screenings provided to students to include oral health assessments.

Committee Amendment "A" (S-498) proposed replacing the bill. It proposed directing the Commissioner of Health and Human Services, in consultation with the Commissioner of Education, to develop and implement a grant program to award funds to nonprofit organizations to provide oral health assessments and dental services to eligible children. The amendment also proposed adding an appropriation of $150,000 in fiscal year 2006-07 for the grant program.

Senate Amendment "A" to Committee Amendment "A" (S-672) proposed reducing the amount transferred annually from General Fund undedicated revenue to $25,000.

Enacted law summary

Public Law 2005, chapter 653 directs the Commissioner of Health and Human Services, in consultation with the Commissioner of Education, to develop and implement a grant program to award funds to nonprofit organizations to provide oral health assessments and dental services to eligible children. The law directs the Commissioner of Education and the Commissioner of Health and Human Services to convene a task force to assist in developing and implementing the grant program. The task force is charged with advising the commissioners on models for the provision of oral health assessments in the schools or that are facilitated by school administrative units and criteria to use in selecting among applicants for grants and schools to participate. The commissioners are required to report back to the

joint standing committee of the Legislature having jurisdiction over education matters. Beginning in fiscal year 2006-07, the law also provides for an annual transfer of $25,000 from General Fund undedicated revenues to fund the grant program.

LD 1952 **An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes** **PUBLIC 674**

Sponsor(s)	Committee Report	Amendments Adopted
BRENNAN	OTP-AM	S-479
CUMMINGS		S-673 ROTUNDO

LD 1952 proposed requiring the Department of Health and Human Services to establish a performance-enhancing substance list, to publish the list on its publicly accessible website and to notify the Department of Education of the list. The bill also proposed requiring sport coaches, athletic directors and physical education teachers to be trained in the dangers of the use of performance-enhancing substances. It proposed prohibiting the use of performance-enhancing substances by students participating in interscholastic sports..

Committee Amendment "A" (S-479) proposed requiring the Director of the Office of Substance Abuse within the Department of Health and Human Services to notify the Maine School Management Association and the Maine Principals' Association of the initial banned performance-enhancing substances list and changes to that list. It proposed requiring the Department of Education to notify all school administrative units with students who participate in sports of the list. The amendment proposed removing the requirement that the Department of Education provide training for sports coaches, athletic directors and physical education teachers.

Senate Amendment "A" to Committee Amendment "A" (S-673) proposed adding a mandate preamble to the bill.

Enacted law summary

Public Law 2005, chapter 674 requires the Director of the Office of Substance Abuse within the Department of Health and Human Services to notify the Maine School Management Association and the Maine Principals' Association of the initial banned performance-enhancing substances list and changes to that list. It requires the Department of Education to notify all school administrative units with students in grades 9 to 12 who participate in sports of the list. It requires the Department of Education to request assistance from a statewide organization of principals in distributing information regarding the dangers associated with performance-enhancing substances and requires school administrative units to update their policies concerning performance-enhancing substances. A person violating provisions relating to banned performance-enhancing substances is subject to sanctions in accordance with local policies.

LD 1953 **An Act Regarding the Sharing of Costs in Certain School Districts** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
MAYO	OTP-AM MAJ	S-495
RICHARDSON J	ONTP MIN	

LD 1953 was proposed as emergency legislation that would provide an adjustment to certain member municipalities in school administrative districts and community school districts when one or more member municipalities, but not all the school district's member municipalities, would have a local contribution that is below the mill rate expectation established pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A. The bill proposed to provide an adjustment equivalent to the adjustments provided to the state share of the total allocation for school administrative units that are determined to be minimum state allocation receivers pursuant to Title 20-A, section 15689, except that the transition percentages in Title 20-A, section 15689, subsection 1, paragraph B would be multiplied by the percentage of calendar year resident pupils in the member municipality.

Committee Amendment "A" (S-495), which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to retain the provision contained in the bill that recognizes the special education costs of certain member municipalities that are determined to be minimum state allocation receivers pursuant to the Maine Revised Statutes, Title 20-A, section 15689, subsection 1, but would delay the implementation of the adjustment proposed in the bill until fiscal year 2007-08.

The amendment also proposed to extend and modify the adjustment provided by Private and Special Law 2005, chapter 23, section 1 for fiscal year 2005-06 to fiscal year 2006-07 for certain school administrative districts and community school districts that have member municipalities with local contributions that would be below the maximum mill rate expectation but that would be adversely affected as a result of the cost-sharing mechanism established pursuant to Title 20-A, section 15688. The amendment proposed to modify the adjustment in fiscal year 2006-07 to recognize 35% of the special education costs of eligible school districts as compared to 25% of the special education costs that were recognized by the adjustment provided in fiscal year 2005-06.

While this bill as amended by the committee amendment was indefinitely postponed, the substance of the bill was addressed through a supplemental budget bill initiative, enacted as part of Public Law 2005, chapter 519, Part AAAA, Sections AAAA-13 and AAAA-14.

LD 1954 **An Act To Invest in the Future of Maine Citizens** **PUBLIC 657**

Sponsor(s)	Committee Report	Amendments Adopted
BRENNAN	OTP-AM	S-586
NORTON		S-702 ROTUNDO

LD 1954 proposed to provide resources to improve the health, well-being, education and economic security of Maine citizens by enhancing and expanding early education opportunities, after-school initiatives, early college programs for secondary school students and access to higher education opportunities through a guaranteed tuition program for undergraduate students enrolled at the University

of Maine System and a tuition waiver program for resident students enrolled at the Maine Community College System.

The bill proposed to authorize a prioritized series of transfers from the unappropriated surplus of the General Fund at the end of fiscal year 2006-07 and subsequent fiscal years to these various prekindergarten to grade 14 educational programs within the State.

Committee Amendment "A" (S-586) proposed to strike and replace the bill to accomplish the following.

1. Part A proposed to amend the eligibility criteria of the early college program for secondary school students. It proposed to provide that a student may take a postsecondary course if the student receives a recommendation from the student's school administration or from a teacher at the student's school. It also proposed to provide that the Commissioner of Education may pay for costs for students to take postsecondary courses at eligible institutions. All of the changes in Part A propose to duplicate Public Law 2005, chapter 519, Part XX, which was enacted March 29, 2006. The current law now includes the provisions for the early college programs for secondary school students that are included in this amendment, and incorporates all of the statutory changes proposed in this amendment.

2. Part B proposed to establish the After-school Program Fund as an ongoing program to be implemented and administered by the Department of Education. The amendment proposed to authorize the Commissioner of Education to establish standards and approval procedures for the program fund, including the adoption of rules to implement the program fund.

Senate Amendment "A" to Committee Amendment "A" (S-702) proposed to establish an after-school program fund. This amendment also proposed to strike Part A since the changes made by that Part have already been enacted in Public Law 2005, chapter 519, Part XX.

Enacted law summary

Public Law 2005, chapter 657 establishes the After-school Program Fund as an ongoing program to be implemented and administered by the Department of Education. The law authorizes the Commissioner of Education to establish standards and approval procedures for the program fund, including the adoption of rules to implement the program fund. The law also appropriates $25,000 in General Funds in fiscal year 2006-07 to the After-school Program Fund.

LD 1958 **An Act To Create a Children's Education Advocate** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL NORTON	OTP-AM	S-475

LD 1958 proposed to require the Department of Education, or the Department of Education and the Department of Health and Human Services jointly, to fund an advocacy position within the Disability Rights Center, the State's designated protection and advocacy agency, to provide advocacy services for children with serious disabilities in education-related matters. This service was formerly provided through a vacated and unfilled position in the Department of Health and Human Services, Office of Advocacy Services. The proposed contract with the Disability Rights Center would replace the Office of

Advocacy position and services. The Disability Rights Center is the designated protection and advocacy agency for persons with disabilities pursuant to the Maine Revised Statutes, Title 5, chapter 511 and under the Developmental Disabilities Assistance and Bill of Rights Act, 42 United States Code, Section 15002 et seq. and 45 Code of Federal Regulations, Part 1386, Subpart B.

Committee Amendment "A" (S-475) proposed to strike and replace the bill to provide an appropriation directly to the Disability Rights Center, the State's designated protection and advocacy agency for persons with disabilities pursuant to the Maine Revised Statutes, Title 5, chapter 511. These proposed funds must be used to provide advocacy services for children with serious disabilities in education-related matters.

While this bill as amended by the committee amendment was indefinitely postponed, the substance of the bill was addressed through a supplemental budget bill initiative, enacted as part of Public Law 2005, chapter 519, Part WWW, that provided a $64,782 General Fund appropriation in fiscal year 2006-07 to the Disability Rights Center for advocacy services for children with serious disabilities in education-related matters.

LD 1963 **Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule That Has Been Provisionally Adopted by the Department of Education** **RESOLVE 182 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 1963 proposed to provide for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a major substantive rule of the Department of Education.

Enacted law summary

Resolve 2005, chapter 182 provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a major substantive rule of the Department of Education.

Resolve 2005, chapter 182 was enacted as an emergency measure effective April 12, 2006.

LD 1964 **An Act To Assist Visually Impaired Persons and Persons with Disabilities in Obtaining Information Regarding Current Events** **PUBLIC 651**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON J	OTP-AM	H-788 S-689 ROTUNDO

LD 1964 proposed to direct the State Librarian to enter into an agreement with a qualified entity to provide an accessible electronic information service for eligible blind and disabled persons.

Committee Amendment "A" (H-788) proposed to define and uses the term "eligible individuals" instead of "blind and disabled persons." It proposed to authorize but does not require the State Librarian to enter into an agreement for service. It proposed to remove unnecessary language.

Senate Amendment "A" (S-689) proposed to strike the appropriations and allocations section and add a new appropriations and allocations section.

Enacted law summary

Public Law 2005, chapter 651 authorizes the State Librarian to enter into an agreement with a qualified entity to provide an accessible electronic information service for eligible blind and disabled persons. The law also provides a General Fund appropriation of $5,000 in fiscal year 2006-07.

LD 1978 **An Act To Amend the Maine State Grant Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL NORTON	ONTP	

LD 1978 proposed to allow the Finance Authority of Maine to allocate up to 15%, rather than 5%, of Maine State Grant Programs funds to make need-based grants to part-time students.

LD 1979 **An Act To Allow the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf To Lease Classroom Space to Independent Schools** **PUBLIC 600 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS MITCHELL	OTP-AM	H-996

LD 1979 proposed to specifically provide authority to the Governor Baxter School for the Deaf and the Maine Educational Center for the Deaf and Hard of Hearing to lease facilities of the school to independent accredited elementary schools. Funds from this type of proposed lease would be used to benefit the consultation services provided to families of children from birth to 5 years of age who are deaf or hard-of-hearing students, consulting services to school administrative units that serve school-age deaf or hard-of-hearing children and services provided through the parent-infant-toddler program, the preschool program and the communication garden program provided at the center school.

Committee Amendment "A" (H-996) proposed to strike and replace the bill. The amendment proposed to provide authority to the Department of Administrative and Financial Services to enter into lease agreements for unused school facilities on Mackworth Island. The proposed lease arrangements and funds received from this type of lease would be used in a manner that is consistent with the deed of gift from Governor Baxter and applicable state law regarding excess state property, with any remaining funds

being retained by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf for statutorily authorized programs.

Enacted law summary

Public Law 2005, chapter 600 provides authority to the Department of Administrative and Financial Services to enter into lease agreements for unused school facilities on Mackworth Island. The law provides that lease arrangements and funds received from this type of lease must be used in a manner that is consistent with the deed of gift from Governor Baxter and applicable state law regarding excess state property, with any remaining funds being retained by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf for statutorily authorized programs.

Public Law 2005, chapter 600 was enacted as an emergency measure effective April 27, 2006.

LD 1988 **An Act To Raise the Debt Limit of the City of Brewer High School District** **P & S 42**

Sponsor(s)	Committee Report	Amendments Adopted
FISHER ROSEN R	OTP	

LD 1988 proposed to amend the private and special law that established the City of Brewer High School District to increase the debt limit of the district from $5,000,000 to 7.5% of the most recent state valuation of the City of Brewer. This bill proposed to clarify the authority of the City of Brewer to convey property to the district and proposed to authorize the district to enter into agreements with the Federal Government, the Maine Municipal Bond Bank and others to help finance school construction projects in the City of Brewer. This bill also proposed to clarify the authority of the district to renovate and repair its school buildings.

Enacted law summary

Private and Special Law, chapter 42 amended the private and special law that established the City of Brewer High School District to increase the debt limit of the district from $5,000,000 to 7.5% of the most recent state valuation of the City of Brewer. The law clarifies the authority of the City of Brewer to convey property to the district and authorizes the district to enter into agreements with the Federal Government, the Maine Municipal Bond Bank and others to help finance school construction projects in the City of Brewer. The law also clarifies the authority of the district to renovate and repair its school buildings.

LD 2012 **An Act Amending and Restating the Charter of The President and Trustees of Colby College** **P & S 45 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
GAGNON CANAVAN	OTP-AM	S-501

LD 2012 proposed to amend the charter of The President and Trustees of Colby College to increase the maximum number of trustees from 31 to 35 and to increase the minimum number of trustees from 21 to 24. The bill proposed to clarify that the President of Colby College is a trustee ex officio. The bill also proposed to update the language concerning removal of trustees in a manner consistent with Maine law and repeal Private and Special Law 1959, chapter 42.

Committee Amendment "A" (S-501) proposed to add an emergency preamble and an emergency clause to the bill.

Enacted law summary

Private and Special Law, chapter 45 amends the charter of The President and Trustees of Colby College to increase the maximum number of trustees from 31 to 35 and to increase the minimum number of trustees from 21 to 24. The law clarifies that the President of Colby College is a trustee ex officio. The law also updates the language concerning removal of trustees in a manner consistent with Maine law and repeals Private and Special Law 1959, chapter 42.

Private and Special Law, chapter 45 was enacted as an emergency measure effective March 30, 2006.

LD 2069 **Resolve, Regarding Legislative Review of the Final Repeal of Portions of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education** **RESOLVE 171 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2069 proposed to provide for legislative review of the final repeal of Chapter 130: Rules for Equivalent Instruction Programs, a major substantive rule of the Department of Education that had been provisionally repealed.

Enacted law summary

Resolve 2005, chapter 171 provides for legislative review of the final repeal of Chapter 130: Rules for Equivalent Instruction Programs, a major substantive rule of the Department of Education that has been provisionally repealed.

Resolve 2005, chapter was enacted as an emergency measure effective April 7, 2006.

LD 2103 **An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the State Board of Education under the State Government Evaluation Act** **PUBLIC 611**

Sponsor(s)	Committee Report	Amendments Adopted
		H-1017 NORTON

LD 2103, which was introduced without reference to a committee, proposed to implement the recommendations of the Joint Standing Committee on Education and Cultural Affairs pursuant to its review of the State Board of Education under the State Government Evaluation Act. It proposed to clarify that the authority of the State Board of Education with respect to the development or implementation of cooperative agreements among school administrative units is advisory in nature and proposed to replace the term "school consolidation" with "school administrative unit configuration."

House Amendment "A" (H-1017) proposed to remove language relating to the power and duty of the State Board of Education to develop a school administrative unit configuration plan that includes criteria for evaluating opportunities for reconfiguration and, if desirable, develop a time line for implementation.

Enacted law summary

Public Law 2005, chapter 611 implements the recommendations of the Joint Standing Committee on Education and Cultural Affairs pursuant to its review of the State Board of Education under the State Government Evaluation Act. The law clarifies that the authority of the State Board of Education with respect to the development or implementation of cooperative agreements among school administrative units is advisory in nature and replaces the term "school consolidation" with "school administrative unit configuration."

LD 2104 **An Act Relating to Secondary School Construction Projects** **PUBLIC 595**

Sponsor(s)	Committee Report	Amendments Adopted

LD 2104, which was introduced without reference to a committee, proposed to make rules adopted by the State Board of Education pertaining to the approval of major capital secondary school construction projects major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The bill proposed to make this change effective January 1, 2007.

Enacted law summary

Public Law, chapter 595 provides that rules adopted by the State Board of Education pertaining to the approval of major capital secondary school construction projects are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The law makes this change effective January 1, 2007.

LD 2105 **An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding the Telecommunications Relay Services Advisory Council Pursuant to Reviews Conducted under the State Government Evaluation Act** **PUBLIC 605**

Sponsor(s)	Committee Report	Amendments Adopted
		S-579 MITCHELL

LD 2105, which was introduced without reference to a committee, proposed to implement the recommendations of the Joint Standing Committee on Education and Cultural Affairs pursuant to its review of the Telecommunications Relay Services Advisory Council under the State Government Evaluation Act. It proposed to give the Telecommunications Relay Services Advisory Council the authority to enter into contracts with telecommunications relay service providers for the purpose of providing telecommunications services to persons who are deaf, hearing impaired or speech impaired. Because of this proposed contracting authority, the advisory council would be reallocated from its current status in the Maine Revised Statutes, Title 5, section 12004-I as an advisory board with minimal authority to Title 5, section 12004-G, which lists general government boards with contracting authority. The bill also proposed to change the joint standing committee of the Legislature having jurisdiction over the review of the advisory council under the State Government Evaluation Act from the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and proposed to require that the advisory council be reviewed by that committee in 2013.

Senate Amendment "A" (S-579) proposed to correct a reference in existing law to the entity that oversees and manages the Emergency Services Communication Bureau from the Department of Public Safety to the Public Utilities Commission.

Enacted law summary

Public Law 2005, chapter 605 implements the recommendations of the Joint Standing Committee on Education and Cultural Affairs pursuant to its review of the Telecommunications Relay Services Advisory Council under the State Government Evaluation Act. The law authorizes the Telecommunications Relay Services Advisory Council to enter into contracts with telecommunications relay service providers for the purpose of providing telecommunications services to persons who are deaf, hearing impaired or speech impaired. Because of this new contracting authority, the advisory council is reallocated from its current status in the Maine Revised Statutes, Title 5, section 12004-I as an advisory board with minimal authority to Title 5, section 12004-G, which lists general government boards with contracting authority. The law also changes the joint standing committee of the Legislature having jurisdiction over the review of the advisory council under the State Government Evaluation Act from the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and requires that the advisory council be reviewed by that committee in 2013. Finally, the law corrects a reference in existing law to the entity that oversees and manages the Emergency Services Communication Bureau from the Department of Public Safety to the Public Utilities Commission.

LD 2112 **Resolve, To Extend the Reporting Deadline for the Task Force on Citizenship Education** **RESOLVE 204**

Sponsor(s)	Committee Report	Amendments Adopted

LD 2112, a resolve reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Resolve 2003, chapter 143, Part B, section 2, proposed to reestablish the Task Force on Citizenship Education and extend the deadline for its final report to December 7, 2006. The resolve also proposed to provide that the joint standing committee of the Legislature having jurisdiction over education matters may report out a bill to the First Regular Session of the 123rd Legislature to implement the recommendations of the task force.

Enacted law summary

Resolve 2005, chapter 204 reestablishes the Task Force on Citizenship Education and extends the deadline for its final report to December 7, 2006. The resolve also provides that the joint standing committee of the Legislature having jurisdiction over education matters may report out a bill to the First Regular Session of the 123rd Legislature to implement the recommendations of the task force.

LD 2113 **An Act To Extend the Alternative Delivery Methods Pilot Program for Certain School Construction Projects** **P & S 52**

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

LD 2113, a bill reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Private and Special Law 2001, chapter 54, section 3, proposed to extend the pilot program for using alternative delivery methods for school construction by authorizing an additional 10 school construction projects. The proposed additional projects would be locally funded school construction projects, would have a minimum total project cost of $2,500,000 and would have an executed contract between the school administrative unit and the project designer dated prior to August 1, 2009.

The bill also proposed to direct the assessment team to review these additional projects and report its findings and recommendations on the pilot project no later than December 12, 2008 to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs would be authorized to report out a bill to the First Regular Session of the 124th Legislature to implement the recommendations of the assessment team.

Enacted law summary

Private and Special Law 2005, chapter 52 extends the pilot program for using alternative delivery methods for school construction by authorizing an additional 10 school construction projects. The additional projects must be locally funded school construction projects, must have a minimum total

project cost of $2,500,000 and must have an executed contract between the school administrative unit and the project designer dated prior to August 1, 2009.

The law also directs the assessment team to review these additional projects and report its findings and recommendations on the pilot project no later than December 12, 2008 to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the First Regular Session of the 124th Legislature to implement the recommendations of the assessment team.

LD 2114 **An Act To Implement Organizational Improvements to the Legislative Youth Advisory Council** **PUBLIC 616**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL		

LD 2114, which was introduced without reference to a committee, proposed to accomplish the following.

Part A proposed to repeal a requirement that the Department of Education transfer $30,000 to the Legislature to fund certain activities of the Legislative Youth Advisory Council. In lieu of that transfer, this bill instead proposed to require that the Department of Education use existing Other Special Revenue funds to pay for 2 statewide public forums of the council between July 1, 2006 and November 30, 2006. Completion of the 2 public forums required in this bill and payment by the department of all associated costs would constitute fulfillment of the duties of the department and the council pertaining to public forums required under Resolve 2003, chapter 143, Part A, sections 2 and 3. A summary of these forums, along with any recommendations from those forums, would be included in the council's report to the Legislature in January 2007. Part A also proposed to add a provision prohibiting any public or private entity from seeking any outside funds to support activities of the council without first obtaining the prior written approval from the Legislative Council or its executive director.

Part B proposed to simplify the appointment process, proposed to change the council's reporting requirements from an annual report to the full Legislature to a biennial report to the Legislative Council, proposed to change the number of youth members on the council from 18 to 16, proposed to require youth members to be at least 16 years of age at the time of appointment and proposed to require that all youths and legislative members be appointed or reappointed at the start of each new Legislature. Transition provisions are also proposed to allow current youth members to serve the full 2-year term for which they were appointed under the previous law.

Enacted law summary

Public Law 2005, chapter 616 implements organizational improvements related to the operations of the Legislative Youth Advisory Council. The law accomplishes the following.

Part A repeals a requirement that the Department of Education transfer $30,000 to the Legislature to fund certain activities of the Legislative Youth Advisory Council. In lieu of that transfer, this bill instead requires that the Department of Education use existing Other Special Revenue funds to pay for 2 statewide public forums of the council between July 1, 2006 and November 30, 2006. Completion of the 2 public forums required in this bill and payment by the department of all associated costs constitute

fulfillment of the duties of the department and the council pertaining to public forums required under Resolve 2003, chapter 143, Part A, sections 2 and 3. A summary of these forums, along with any recommendations from those forums, will be included in the council's report to the Legislature in January 2007. Part A also adds a provision prohibiting any public or private entity from seeking any outside funds to support activities of the council without first obtaining the prior written approval from the Legislative Council or its executive director.

Part B simplifies the appointment process, changes the council's reporting requirements from an annual report to the full Legislature to a biennial report to the Legislative Council, changes the number of youth members on the council from 18 to 16, requires youth members to be at least 16 years of age at the time of appointment and requires that all youths and legislative members be appointed or reappointed at the start of each new Legislature. Transition provisions are included that allow current youth members to serve the full 2-year term for which they were appointed under the previous law.

LD 146 **An Act To Repeal the Tax on Private Nonmedical Institutions** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
DAVIS P	ONTP	MAJ	S-173
TARDY	OTP-AM	MIN	

LD 146 proposed to repeal the 5% service provider tax imposed on private nonmedical institutions.

LD 151 **An Act To Improve the Delivery of Maine's Mental Health Services** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted
NUTTING J	OTP-AM	MAJ	H-716 PINGREE
	OTP-AM	MIN	S-367
			S-373 MARTIN

LD 151 proposed to establish a procedure for the involuntary administration of medication to a patient at a nonstate mental health institution or a state mental health institute, with an appeal procedure within the department and if that appeal is unsuccessful, then a further appeal to the court. The bill proposed to require the Department of Health and Human Services to adopt routine technical rules to implement the administration of medication provisions and requires amendment of the department's rules regarding the rights of recipients of mental health services.

See Supplemental budget, Public Law 2005, Chapter 519, Part BBBB.

LD 359 **An Act To Change the Child Care Facility Licensing Laws** **PUBLIC 640**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY	OTP-AM	H-346
		S-662 ROTUNDO

LD 359 proposed to require that a license for a child care facility be issued for a 2-year term, that the Department of Health and Human Services make at least one unannounced inspection of a child care facility within the 2-year license term and that the fee for a 2-year child care facility license be $160.

Committee Amendment "A" (H-346) proposed to extend 2-year certification to home day care providers, provide for unannounced inspections of certified home day care providers by the Department of Health and Human Services at least once during the certification period, provide for biennial inspections by the State Fire Marshal's Office for nursery schools and certified home day care providers and provide for biennial full license and certificate fees.

Senate Amendment "A" to Committee Amendment "A" (S-662) proposed to amend Committee Amendment "A" to change the date when biennial fees will be assessed for full child care facility licenses, nursery school licenses and family child care certificates from October 1, 2005 to January 1, 2007.

Enacted law summary

Public Law 2005, chapter 640 requires that a license for a child care facility, family child care provider, or nursery school be issued for a 2-year term, that the Department of Health and Human Services make at least one unannounced inspection within the 2-year license term and that beginning January 1, 2007, the license fees are doubled.

LD 444 **Resolve, Regarding Effective Administration of the MaineCare Program** **RESOLVE 161**

Sponsor(s)	Committee Report	Amendments Adopted
BRENNAN PINGREE	OTP-AM	S-486

LD 444 proposed to provide that a member of MaineCare whose services are limited under MaineCare Basic is eligible for additional medically necessary services if failure to provide those services creates a substantial likelihood of deterioration of medical condition or if providing those services is cost-effective.

Committee Amendment "A" (S-486) proposed to replace the bill with a resolve. The amendment proposed to direct the Department of Health and Human Services to use claims and encounter data and its decision support system to evaluate the extent to which service limits under the MaineCare Basic program result in members obtaining additional services from alternative providers or in alternative settings. The amendment proposed to direct the department to confer with the MaineCare Advisory Committee and to report findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2007.

Enacted law summary

Resolves 2005, chapter 161 directs the Department of Health and Human Services to use claims and encounter data and its decision support system to evaluate the extent to which service limits under the MaineCare Basic program result in members obtaining additional services from alternative providers or in alternative settings. The resolve directs the department to confer with the MaineCare Advisory Committee and to report findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2007.

LD 463 **Resolve, To Amend MaineCare Eligibility for the Workers with Disabilities Option** **ONTP**

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

LD 463 proposed to require the Department of Health and Human Services to amend the rules to allow workers with disabilities to purchase coverage in the MaineCare program beginning January 1, 2006. The rules would maintain the current income eligibility limits while removing separate limits on earned and unearned income. This resolve proposed to designate the rules as routine technical rules.

Committee Amendment "A" (S-457) proposed to require the Department of Health and Human Services to amend its eligibility rules to allow employed persons with disabilities to purchase MaineCare coverage beginning January 1, 2006. This amendment proposed to change that date to August 1, 2006.

LD 678 **An Act To Require Fair and Timely MaineCare Payments to Hospitals** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted
MILLS P	OTP-AM	MAJ	S-181
CROSTHWAITE	OTP-AM	MIN	

LD 678 proposed to require the Department of Health and Human Services to use current hospital cost reports to calculate amounts owed to hospitals and pay any amounts due within one year of receiving the hospital cost report.

Committee Amendment "A" (S-181) is the majority report of the committee. The amendment proposed to correct a section number. The amendment proposed to correct the reference to the hospital's as-filed cost report and delete the provision prohibiting caps on hospital prospective interim payment amounts.

Committee Amendment "B" (S-182) is the minority report of the committee. The amendment proposed to correct a section number. The amendment proposed to correct the reference to the hospital's as-filed cost report.

LD 687 **An Act To Amend the Hospital Tax** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
DOW	ONTP	MAJ	S-164
MCKANE	OTP-AM	MIN	

LD 687 proposed to increase the tax imposed on hospitals from .74% to 2.23% of net operating revenues. This bill returns the tax rate to the original rate of .74%.

LD 699 **An Act To Repeal Tax and Match** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	ONTP MAJ OTP-AM MIN	S-193

LD 699 proposed to repeal the service provider tax imposed on private nonmedical institution services and the tax imposed on health care providers, hospitals and nursing homes.

LD 846 **Resolve, Regarding Hospital Free Care Guidelines** **RESOLVE 148**

Sponsor(s)	Committee Report	Amendments Adopted
LERMAN	OTP-AM	H-816

LD 846 proposed to limit a hospital licensed under the Maine Revised Statutes, Title 22, chapter 405 in the amount the hospital may bill a person who has been served in an inpatient or outpatient capacity and who does not have health insurance or other health coverage beginning January 1, 2006. The limit would be 150% of the reimbursement rate provided by the MaineCare program for the same inpatient or outpatient service.

Committee Amendment "A" (H-816) proposed to replace the bill and substitute a resolve. The amendment proposed to direct the Department of Health and Human Services to amend its routine technical rules on hospital free care guidelines to provide for eligibility for free care for persons below 150% of the federal nonfarm income official poverty line by October 1, 2006.

Enacted law summary

Resolves 2005, chapter 148 directs the Department of Health and Human Services to amend its rules on hospital free care guidelines by October 1, 2006 to provide for eligibility for free care for persons below 150% of the federal nonfarm income official poverty line.

LD 904 **An Act To Create the Maine Asthma and Lung Disease Research Fund** **PUBLIC 672**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-294 S-681 ROTUNDO

LD 904 proposed to establish the Maine Asthma and Lung Disease Research Fund in the Department of Health and Human Services, Bureau of Health to provide grants for research into the health effects of indoor and outdoor air pollution and the prevention, causes, treatment and cure of lung diseases such as

asthma, emphysema and chronic obstructive pulmonary disease. The funding source of the fund would be a voluntary checkoff on the individual income tax form that allows a taxpayer to donate a portion of a tax refund or make a donation with the tax return.

Committee Amendment "A" (S-294) proposed to add an appropriations and allocations section to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-681) proposed to change the application date from tax years beginning on and after January 1, 2005 to January 1, 2006. It proposed to require the Commissioner of Administrative and Financial Services to seek outside funds to support the fiscal year 2006-07 start-up costs of the Maine Asthma and Lung Disease Research Fund income tax checkoff and provide that the bill becomes effective 90 days after the commissioner certifies that the necessary funds have been received. It also proposed to adjust the appropriations and allocations section in Committee Amendment "A" to reflect these changes.

This amendment also proposed to change the statutory allocation of the checkoff to avoid a numbering conflict.

Enacted law summary

Public Law 2005, chapter 672 establishes the Maine Asthma and Lung Disease Research Fund in the Department of Health and Human Services, Bureau of Health to provide grants for research into the health effects of indoor and outdoor air pollution and the prevention, causes, treatment and cure of lung diseases such as asthma, emphysema and chronic obstructive pulmonary disease. The funding source of the fund is a voluntary checkoff on the individual income tax form that allows a taxpayer to donate a portion of a tax refund or make a donation with the tax return.

The application date is tax years beginning on and after January 1, 2006. The Commissioner of Administrative and Financial Services is directed to seek outside funds to support the fiscal year 2006-07 start-up costs of the Maine Asthma and Lung Disease Research Fund income tax checkoff. The law becomes effective 90 days after the commissioner certifies that the necessary funds have been received.

LD 950 **An Act To Allow the Shipment of Cigars into Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

LD 950 proposed to provide exceptions for cigars to the laws governing delivery sales of tobacco products in the State.

LD 1036 **An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons** **PUBLIC 483**

Sponsor(s)	Committee Report	Amendments Adopted
MAYO BARSTOW	OTP-AM	S-456

LD 1036 proposed to reduce the time frame for a decision on burial benefits under general assistance from 10 to 2 days. In addition, this bill proposed to reduce the pool of relatives responsible for burial or cremation costs. Under current law, when certain eligible people die, a decision on an application to a municipality for assistance with burial or cremation expenses must be rendered within 10 days.

Committee Amendment "A" (S-456) proposed to change to 3 business days the time period in which a funeral director must notify the overseer of a municipality of the death of an eligible person, change the bill's proposed 2-day time period for the overseer to decide on an application for burial or cremation costs to 8 days and remove the proposed changes to the relatives responsible for paying for burial or cremation.

Enacted law summary

Public Law 2005, chapter 483 changes to 3 business days the time period in which a funeral director must notify the overseer of a municipality of the death of a person eligible for general assistance, changes the time period for the overseer to decide on an application for burial or cremation costs to 8 days and removes the proposed changes to the relatives responsible for paying for burial or cremation.

LD 1183 **An Act Regarding Access to Mental Health Services** **PUBLIC 680**

Sponsor(s)	Committee Report	Amendments Adopted
BRENNAN DUDLEY	OTP-AM	S-279 S-665 ROTUNDO

LD 1183 proposed to allow more than 16 visits per year for psychological services benefits for individual and group counseling for which a member is eligible under MaineCare Basic if the member obtains prior approval for the extra visits from the department.

Committee Amendment "A" (S-279) proposed to add an appropriations and allocations section.

Senate Amendment "A" to Committee Amendment "A" (S-665) proposed to allow the Department of Health and Human Services to increase the maximum number of visits for psychological services benefits for individual and group counseling for which a member is eligible under MaineCare Basic from 16 to 24 visits per year, if the costs associated with the increase are offset by savings from managing the use of services.

Enacted law summary

Public Law 2005, chapter 680 allows the Department of Health and Human Services to increase the maximum number of visits for psychological services benefits for individual and group counseling for

which a member is eligible under MaineCare Basic from 16 to 24 visits per year, if the costs associated with the increase are offset by savings from managing the use of services.

LD 1208 Resolve, Regarding the Prevention of Suicide ONTP

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	ONTP	S-308
MILLER		

LD 1208, a resolve, proposed to establish a working group to study the high rate of suicide in Maine. The working group would have submitted its report to the Joint Standing Committee on Health and Human Services by January 31, 2006.

LD 1420 An Act To Establish a Maternal and Infant Death Review Panel PUBLIC 467

Sponsor(s)	Committee Report		Amendments Adopted	
PINGREE	OTP-AM	MAJ	H-728	
MARTIN	ONTP	MIN	H-739	PINGREE

LD 1420 proposed to direct the Department of Health and Human Services to establish a multidisciplinary panel to review maternal and infant death cases in this State. This bill, in accordance with the Maine Revised Statutes, Title 22, chapter 1071, subchapter 11-A, proposed to provide the panel with authority to gain access to relevant data including medical, public health, social service and mental health records and ensure that proceedings and records in the possession of the panel remain confidential and exempt from subpoena and legal discovery. The bill also proposed to permit the panel to contact families of the deceased to request additional information and offer grief support resources.

Committee Amendment "A" (H-728) is the majority report of the committee. It proposed to establish the maternal and infant death review panel within the Department of Health and Human Services.

House Amendment "A" to Committee Amendment "A" (H-739) proposed to prohibits contact with the parents or authorized representative of a deceased person for 4 months after the death and require that the maternal and infant death review panel offer a copy of its annual report to parents and authorized representatives that consent to participate in the review.

Enacted law summary

Public Law 2005, chapter 467 establishes the maternal and infant death review panel within the Department of Health and Human Services. The law allows contact with the parents or authorized representative of a deceased person more than 4 months after the death. The law requires the maternal and infant death review panel to offer a copy of its annual report to parents and authorized representatives that consent to participate in the review.

LD 1555 **Resolve, Directing the Department of Health and Human Services To Review How It Handles Services Provided to Persons with Developmental Disabilities and Mental Retardation** **RESOLVE 147**

Sponsor(s)	Committee Report	Amendments Adopted
LERMAN NASS R	OTP-AM	H-815

LD 1555 proposed to address the following issues in the field of community-based services for persons with developmental disabilities and mental retardation: reimbursement, audit and appeal procedures, rules, regulations and administrative requirements, standardized data, contract formats and financial reports, medication courses, deemed status licensure, maintenance of the Child Development Services System, gastronomy tubes, rules regarding residential options, advocacy regarding federal legislation, cost-of-living adjustments and Dirigo Health insurance.

Committee Amendment "A" (H-815) proposed to replace the bill and make it a resolve. The amendment proposed to relate to providers of services to persons with developmental disabilities and mental retardation. This amendment proposed to require the Department of Health and Human Services to post provider payment interpretations on the Internet, to develop a medication administration curriculum and to determine whether cost-of-living adjustments will be included in the department's budget request that is submitted to the Governor.

Enacted law summary

Resolve 2005, chapter 147 relates to providers of services to persons with developmental disabilities and mental retardation. This resolve requires the Department of Health and Human Services to post provider payment interpretations on the Internet, to develop a medication administration curriculum and to determine whether cost-of-living adjustments will be included in the department's budget request that is submitted to the Governor.

LD 1614 **Resolve, Regarding Comprehensive Community Health Coalitions** **RESOLVE 139 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R PINGREE	OTP-AM	S-455

LD 1614 propose to establish the Commission to Certify and Recertify Comprehensive Community Health Coalitions, to establish a system of comprehensive community health coalitions and to appropriate $200,000 in fiscal year 2006-07 for the Commission to Certify and Recertify Comprehensive Community Health Coalitions, effective January 1, 2006.

Committee Amendment "A" (S-455) proposed to replace the bill and change it to a resolve. The amendment proposed to add emergency language to the resolve. The amendment proposed to require the Department of Health and Human Services to recognize and partner with comprehensive community health coalitions. The amendment proposed to direct the Public Health Work Group created under the

State Health Plan to form 2 subcommittees to work on core competencies, functions and performance standards for comprehensive community health coalitions and to inventory resources and develop a plan to integrate some funding sources to support the public health priorities and functions identified in the State Health Plan. The amendment proposed to require state agency members of one subcommittee to determine how to integrate the core competencies, functions and performance standards into the work and funding decisions of their agencies. The amendment proposed to require reporting to the Joint Standing Committee on Health and Human Services and the Public Health Work Group by the subcommittees. It proposed to require the Public Health Work Group to report to the Joint Standing Committee on Health and Human Services by January 1, 2007.

Enacted law summary

Resolve 2005, chapter 139 requires the Department of Health and Human Services to recognize and partner with comprehensive community health coalitions. The resolve directs the Public Health Work Group created under the State Health Plan to form 2 subcommittees to work on core competencies, functions and performance standards for comprehensive community health coalitions and to inventory resources and develop a plan to integrate some funding sources to support the public health priorities and functions identified in the State Health Plan. The resolve requires state agency members of one subcommittee to determine how to integrate the core competencies, functions and performance standards into the work and funding decisions of their agencies. The resolve requires reporting to the Joint Standing Committee on Health and Human Services and the Public Health Work Group by the subcommittees and requires the Public Health Work Group to report to the Joint Standing Committee on Health and Human Services by January 1, 2007.

Resolve 2005, chapter 139 was enacted as an emergency measure effective March 17, 2006.

LD 1631 **Resolve, Requiring the State To Reimburse Providers for Costs Incurred Due to MaineCare Reimbursement Delays** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
KAELIN WESTON	OTP-AM	H-731

LD 1631 proposed to require the Department of Health and Human Services to reimburse providers for costs, including, but not limited to, interest, bank fees and accounting fees, incurred due to MaineCare reimbursement delays.

Committee Amendment "A" (H-731) proposed to reimburse MaineCare providers for costs incurred during 2005 and to direct the Department of Health and Human Services to adopt routine technical rules for reimbursement. The amendment proposed to require periodic status reports on claims and payments.

See appropriation of $1 million in fiscal year 2007 in PL 2005, chapter 519, Part A, on page 76.

LD 1701 **Resolve, To Ensure Coordination and Effectiveness in the Provision of Services under the MaineCare Noncategorical Waiver** **RESOLVE 186**

Sponsor(s)	Committee Report	Amendments Adopted
BRANNIGAN	OTP-AM	H-964

LD 1701 proposed to direct the Department of Health and Human Services to develop processes for tracking mental health treatment sessions for noncategorical MaineCare members to ensure services would not be exhausted and that would include a prior authorization process as well as clinical justification for exceeding the annual limit on visits. It proposed to direct the department to clarify that mental health assessment services are not included in the calendar year service limit.

Committee Amendment "A" (H-969) proposed to direct the Department of Health and Human Services to develop processes for tracking the number of mental health treatment sessions provided to noncategorical MaineCare members and to establish a prior authorization process to help manage the members' services so that the services are not exhausted within any given calendar year. It proposed to direct the department to establish criteria for clinical justification that would allow noncategorical MaineCare members to receive up to 24 visits, excluding visits for medication management, as long as any associated costs would be offset by savings from managing the utilization of services through methods that could include prior authorization. It proposed to direct the department to develop systems to enable healthcare providers to identify the eligibility category of noncategorical members, the members' enrollment dates and the members' recertification dates in order to help the noncategorical members manage their benefits and receive the mental health treatment needed. It also proposed to direct the department to develop systems for transition planning for noncategorical members who for any reason leave the MaineCare program and to provide a priority reinstatement process for certain noncategorical members.

Enacted law summary

Resolve 2005, chapter 186 directs the Department of Health and Human Services to develop processes for tracking the number of mental health treatment sessions provided to noncategorical MaineCare members and to establish a prior authorization process to help manage the members' services so that the services are not exhausted within any given calendar year. It directs the department to establish criteria for clinical justification for allowing noncategorical MaineCare members to receive up to 24 visits, excluding visits for medication management, as long as any costs are offset by savings from managing the utilization of services through methods that may include prior authorization. It directs the department to develop systems to enable healthcare providers, with the noncategorical MaineCare members' permission, to identify the eligibility category of noncategorical members, the members' enrollment dates and the members' recertification dates in order to help the noncategorical members manage their benefits and receive the mental health treatment needed. It also directs the department to develop systems for transition planning for noncategorical members who for any reason leave the MaineCare program and to provide a priority reinstatement process for certain noncategorical members.

LD 1707 **Resolve, Directing the Commissioner of Health and Human Services To Develop Strategies To Keep Senior Citizens Safe from Falls** **RESOLVE 149**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL COURTNEY	OTP-AM	H-814

LD 1707, modeled on federal legislation, proposed to direct the Commissioner of Health and Human Services to conduct research, evaluation and education activities designed to reduce falls among older adults. It proposed that the department conduct a demonstration project and report recommendations for statewide falls prevention activities to the Legislature.

Committee Amendment "A" (H-814) proposed to change the resolve by directing the Commissioner of Health and Human Services to appoint a statewide Falls Prevention Coalition that, under the direction of Department of Health and Human Services, Office of Elder Services, would be responsible for reviewing health costs associated with falls and for assessing strategies for preventing falls along with associated costs of implementing the strategies. The amendment, which became the Committee report, proposed to direct the coalition to submit a report to the Joint Standing Committee on Health and Human Services that would include findings and recommendations along with suggestions for legislation.

Enacted law summary

Resolve 2005, chapter 149 directs the Commissioner of Health and Human Services to appoint a statewide Falls Prevention Coalition that is responsible, under the direction of Department of Health and Human Services, Office of Elder Services, for reviewing health costs associated with falls and for assessing strategies for preventing falls along with associated costs of implementing the strategies. It directs the coalition to submit a report by November 2, 2006 to the Joint Standing Committee on Health and Human Services that includes findings and recommendations along with suggestions for legislation.

LD 1746 **An Act To Amend Certain Requirements in the ASPIRE-TANF Program** **PUBLIC 480**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN O'BRIEN	OTP	

LD 1746 proposed to clarify that participants in the Parents as Scholars Program were not limited to maximum of 24 months of education, training and treatment in the ASPIRE-TANF program. It also proposed to eliminate several outdated provisions in current statutes.

Enacted law summary

Public Law 2005, chapter 480 clarifies that participants in the Parents as Scholars Program are not limited to a maximum of 24 months of education, training and treatment in the ASPIRE-TANF program. It eliminates several outdated provisions in the statute as well.

LD 1753 **An Act To Set a Maximum on Penalties Imposed for Licensing Violations by Eating Establishments, Eating and Lodging Places, Lodging Places, Recreational Camps or Camping Areas** **PUBLIC 481**

Sponsor(s)	Committee Report	Amendments Adopted
COWGER	OTP	

LD 1753 proposed to set a maximum on the penalty that could be imposed by the Department of Health and Human Services on any eating establishment, eating and lodging place, lodging place, recreational camp or camping area that operated without the required license upon a second or subsequent adjudication of unlicensed operation.

Enacted law summary

Public Law 2005, chapter 481 sets a maximum amount of $500 on the penalty that may be imposed by the Department of Health and Human Services on any eating establishment, eating and lodging place, lodging place, recreational camp or camping area that operates without the required license upon a second or subsequent adjudication of unlicensed operation. Prior to the enactment of this law there was a minimum fine but no maximum fine.

LD 1754 **An Act To Give the Commissioner of Health and Human Services Administrative Subpoena Authority** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

LD 1754 proposed to give the Commissioner of Health and Human Services the authority to issue subpoenas in connection with administrative hearings without having to obtain the approval of the Attorney General.

LD 1757 **An Act Regarding Continuing Improvements in the MaineCare Program** **PUBLIC 648 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MAYO WALCOTT	OTP-AM	S-547

LD 1757 proposed to implement the recommendations of the Blue Ribbon Commission on the Future of MaineCare.

Committee Amendment "A" (S-547) proposed to add emergency language to the bill and to amend the laws governing MaineCare, authorizing the Department of Health and Human Services to adopt rules

with retroactive application to increase provider reimbursement in order to ensure access to covered medically necessary services for MaineCare members. The amendment also proposed to repeal the repeal date of July 1, 2006 on the authority of the department to adopt rules with retroactive application.

The amendment also proposed to direct the MaineCare Advisory Committee to review the report of the Blue Ribbon Commission on the Future of MaineCare with the goal of identifying initiatives for continuing improvement and monitoring changes in the federal Medicaid program. It proposed to direct the committee to report to the Joint Standing Committee on Health and Human Services any recommendations for legislation or rulemaking in an initial report by September 1, 2006 and a final report by January 1, 2007.

Enacted law summary

Pubic Law 2005, chapter 648 authorizes the Department of Health and Human Services to adopt rules with retroactive application to increase provider reimbursement in order to ensure access to covered medically necessary services for MaineCare members. The law also repeals the repeal date of July 1, 2006 on the authority of the department to adopt rules with retroactive application.

The law directs the MaineCare Advisory Committee to review the report of the Blue Ribbon Commission on the Future of MaineCare with the goal of identifying initiatives for continuing improvement and monitoring changes in the federal Medicaid program and directs the committee to report to the Joint Standing Committee on Health and Human Services any recommendations for legislation or rulemaking in an initial report by September 1, 2006 and a final report by January 1, 2007.

Enacted as an emergency Public Law 2005, chapter 648 takes effect May 30, 2006.

LD 1760 **An Act To Amend the Maine Health Data Organization and Maine Health Data Processing Center Laws** **PUBLIC 565**

Sponsor(s)	Committee Report		Amendments Adopted
MAYO	OTP-AM	MAJ	S-515
MILLER	OTP-AM	MIN	

LD 1760 proposed to clarify that dental services are not limited benefit health insurance polices and are subject to assessment of permanent funding under the Maine Health Data Organization laws.

Committee Amendment "A" (S-515) proposed to allow the Maine Health Data Processing Center to receive and process claims from entities outside the State and specified how the net earnings of the center must be distributed. It proposed to require the Maine Health Data Organization board of directors to report those net earnings each year and to increase the fine from $250,000 to $500,000 for a person who receives and uses data of the Maine Health Data Organization for commercial advantage, pecuniary or personal gain or malicious harm.

Enacted law summary

Public Law 2005, chapter 565 specifies that, under the Maine Health Data Organization laws, dental service policies are not considered limited benefit health insurance polices and are subject to the

permanent funding assessment. It allows the Maine Health Data Processing Center to receive and process claims from entities outside the State, specifies how the net earnings of the center must be distributed and requires the Maine Health Data Organization board of directors to report those net earnings each year. It also increases the fine from $250,000 to $500,000 for a person who receives and uses data of the Maine Health Data Organization for commercial advantage, pecuniary or personal gain or malicious harm.

LD 1784 **Resolve, To Clarify Contingency Allowance under the Certificate of Need Law** **RESOLVE 185 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	OTP-AM	S-548

LD 1784 proposed to require the Department of Health and Human Services to allow construction contingency budgeting for capital projects in a certificate of need application that is consistent with industry standards.

Committee Amendment "A" (S-548) proposed to change the Act to a Resolve and proposed to direct the Department of Health and Human Services to revise or adopt rules as needed to provide for a contingency allowance of 5% to 8% depending on the type of project, as defined in the rules, in issuing a certificate of need. It proposed that there be no cap on the contingency allowance other than the applicable percentage and proposed to require the department to repeal the current cap of $1,000,000.

Enacted law summary

Resolve 2005, chapter 185 directs the Department of Health and Human Services to revise or adopt rules as needed to provide for a contingency allowance of 5% to 8% depending on the type of project, as defined in the rules, in issuing a certificate of need. The contingency allowance may not be subject to an additional cap other than the applicable percentage and the department shall repeal the current cap of $1,000,000. The law defines the related rules as routine technical rules.

Resolve 2005, chapter 185 was enacted as an emergency measure effective April 13, 2006.

LD 1808 **An Act To Streamline MaineCare Billing** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	ONTP	

LD 1808, proposed to direct the Department of Health and Human Services to adopt procedures for MaineCare claims so that a provider could directly bill MaineCare when the provider thought there was no health insurance carrier to cover the claim. Also the bill proposed to allow health care providers to bill using commercial health insurance billing codes.

LD 1814 **Resolve, To Establish the Work Group To Review and Recommend Improvements for the Certificate of Need Program** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER	OTP-AM MAJ	H-934
MAYO	ONTP MIN	

LD 1814, presented as a concept draft pursuant to Joint Rule 208, proposed to amend the certificate of need program within the Department of Health and Human Services. It proposed to lower the dollar amounts for the thresholds for review, add requirements for reporting regarding projects that do not require review, add methods for determining community need, replace the current method of relying on utilization rates, clarify the roles for other state agencies and offices, and impose upon the certificate of need process the adjudicatory hearings procedures applicable under the Maine Administrative Procedure Act, which include the use of an impartial hearing officer who would make a recommendation to the Commissioner of Health and Human Services.

Committee Amendment "A" (H-934) proposed to replace the concept draft, to change the legislation from an Act to a Resolve, and to change the title of the bill. The amendment proposed to create a 12-member work group charged with examining the Certificate of Need program, identifying improvements and making recommendations for changes in law or rule. It proposed to require the Department of Health and Human Services to provide a background report to the work group by August 10, 2006. The amendment also proposed to require the work group to submit a report that would include its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 123rd Legislature by November 1, 2006.

LD 1839 **An Act To Clarify the Accountability of Advanced Practice Registered Nurses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	ONTP	

LD 1839 proposed to amend the laws governing advanced practice registered nursing by clarifying the accountability of advanced practice registered nurses and by defining certain terms that applied to advanced practice registered nursing.

LD 1848 **An Act To Maintain Prescription Drug Benefits for Senior Citizens and People with Disabilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	ONTP	

LD 1848 proposed to require the Department of Health and Human Services to maintain the level of benefits and co-payment requirements and structure in effect on December 30, 2005 for enrollees in the MaineCare and the elderly low-cost drug programs who were enrolled during 2005 and who were eligible

for benefits under Medicare Part D. This bill would have applied retroactively to January 1, 2006. See Part AAA of PL 2005, chapter 519.

LD 1852 An Act To Amend the Laws Governing Permanency Guardians PUBLIC 521

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM	H-817

LD 1852 proposed to provide that a permanency guardian's resources and income are not counted in determining eligibility for any public benefit to which the child who is the subject of the guardianship may be entitled. It also proposed to provide that the District Court may appoint a permanency guardian in a proceeding pending on September 17, 2005 or commenced on or after September 17, 2005, which is the effective date of the law governing permanency guardians. It also proposed to provide that the Department of Health and Human Services may provide a guardianship subsidy to a child who is the subject of a child protection proceeding pending on September 17, 2005 or commenced on or after that date.

Committee Amendment "A" (H-817) proposed to clarify that the guardianship subsidy will not be counted as resources or income for eligibility for public benefits for the child except as required by federal law or regulation and insert the federal exception into the law on eligibility for benefits for the guardian.

Enacted law summary

Public Law 2005, chapter 521 provides that a permanency guardian's resources and income are not counted in determining eligibility for any public benefit to which the child who is the subject of the guardianship may be entitled. It specifies that the guardianship subsidy will not be counted as resources or income for eligibility for public benefits for the child except as required by federal law or regulation and inserts the federal exception into the law on eligibility for benefits for the guardian. It also provides that the District Court may appoint a permanency guardian in a proceeding pending on September 17, 2005 or commenced on or after September 17, 2005, which is the effective date of the law governing permanency guardians. It also provides that the Department of Health and Human Services may provide a guardianship subsidy to a child who is the subject of a child protection proceeding pending on September 17, 2005 or commenced on or after that date.

LD 1854 An Act To Expand the Alternative Aid Program PUBLIC 522

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER MAYO	OTP-AM	H-820

LD 1854 proposed to increase the availability of alternative aid assistance under the Temporary Assistance for Needy Families program from a once-in-a-lifetime benefit to an annual benefit in order to assist families who seek short-term assistance to obtain or retain employment.

Committee Amendment "A" (H-820) proposed to increase the availability of alternative aid assistance under the Temporary Assistance for Needy Families (TANF) program from a benefit available once-in-a-lifetime to an annual benefit. The amendment proposed that eligible applicants would be able to receive alternative aid assistance once during any 12-month period in order to obtain or retain employment instead of receiving monthly TANF payments. The amendment also proposed to clarify that the eligibility criteria is set forth in the department's current rules and the value of the aid cannot exceed 3 times the value of monthly TANF benefit for which the applicant's family is eligible.

Enacted law summary

Public Law 2005, chapter 522 increases the availability of alternative aid assistance under the Temporary Assistance for Needy Families (TANF) program from a benefit available once-in-a-lifetime to a benefit that can be accessed annually. Under the law, eligible applicants may receive alternative aid assistance once during any 12-month period in order to obtain or retain employment instead of receiving monthly TANF payments. The law also clarifies that the eligibility criteria is set forth in the department's rules and the value of the aid cannot exceed 3 times the value of monthly TANF benefit for which the applicant's family is eligible.

LD 1875 **Resolve, Regarding Substance Abuse Treatment Services** **RESOLVE 150**

Sponsor(s)	Committee Report		Amendments Adopted
MILLETT	OTP-AM	A	H-818
HASTINGS	OTP-AM	B	
	ONTP	C	

LD 1875 proposed to provide improved services to persons in rehabilitation programs, especially those related to opiate addiction, by providing improved counseling, physician oversight and community support. The bill proposed to direct the Department of Health and Human Services, Office of Substance Abuse to evaluate need when issuing licenses for substance abuse clinics and to create a process to involve the local community in the licensing process. The bill proposed to establish local advisory committees to advise the Office of Substance Abuse during the licensing process for such clinics and to review the operation of the clinics. The bill proposed to establish a moratorium on licensing such clinics until certain rule changes are made.

Committee Amendment "A" (H-818) is the majority committee amendment to the bill and change the bill to a resolve. It proposed to require the Department of Health and Human Services, Office of Substance Abuse to amend its rules for opioid treatment programs to require more counseling at the beginning of treatment and less as treatment progresses, to require an opportunity for public input in the relicensing process and to require consideration of treatment needs in the licensing process.

Enacted law summary

Resolves 2005, chapter 150 requires the Department of Health and Human Services, Office of Substance Abuse to amend its rules for opioid treatment programs to require more counseling at the beginning of treatment and less as treatment progresses, to require an opportunity for public input in the relicensing process and to require consideration of treatment needs in the licensing process.

LD 1887 **An Act To Update Licensing and Certification Requirements for Child Care Facilities and Family Child Care Providers** **PUBLIC 530**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM	H-813
MAYO		H-884 PINGREE

LD 1887 proposed to update terminology and definitions related to child care facilities and family child care in the Department of Health and Human Services' licensing and certification statutes. The bill also proposed to repeal the requirement that the department distribute a brochure explaining the difference between home day care and home baby-sitting services.

Committee Amendment "A" (H-813) proposed to add family child care providers to the group of child care providers that would be required to comply with lead hazard screening requirements. It also proposed to clarify the circumstances under which a provider would not be required to be certified.

House Amendment "A" to Committee Amendment "A" (H-884) proposed to clarify that the routine technical rulemaking procedures apply only to the changes required by this bill and that the rule changes be completed by October 1, 2006.

Enacted law summary

Public Law 2005, chapter 530 updates terminology and definitions related to child care facilities and family child care in the Department of Health and Human Services' licensing and certification statutes. It repeals the requirement that the department distribute a brochure explaining the difference between home day care and home baby-sitting services, adds family child care providers to the group of child care providers that must comply with lead hazard screening requirements and clarifies the circumstances under which a provider is not required to be certified. It also specifies that routine technical rulemaking procedures apply only to the changes required by this law and requires that the rule changes be completed by October 1, 2006.

LD 1901 **An Act To Amend the Law Regarding Smoking in Private Clubs** **PUBLIC 581**

Sponsor(s)	Committee Report	Amendments Adopted
GROSE	OTP-AM	H-830
		S-537 MAYO

LD 1901 proposed to amend the law that allows smoking in private clubs if a majority of members votes to allow smoking by changing the voting requirement to a majority of ballots received.

Committee Amendment "A" (H-830) proposed to allow smoking in qualifying clubs if a majority of all valid ballots cast by members and received by a qualifying club are in favor of smoking. This is a change from current law, which in order to allow smoking requires a vote in favor of smoking by a majority of all members. The amendment proposed to set certain standards for the vote, including a 30-day notice, absentee ballots and notification to the Maine Center for Disease Control and Prevention. The

amendment proposed to provide for a transition for qualifying clubs that have satisfied current law. The amendment proposed to direct the Maine Center for Disease Control and Prevention to adopt rules and designates those rules as major substantive rules. The amendment proposed to provide transition provisions for qualifying clubs that conducted votes in favor of smoking prior to August 1, 2006.

Senate Amendment "A" (S-537) proposed to remove the emergency preamble and the emergency clause from the bill.

Enacted law summary

Public Law 2005, chapter 581 amends the law that allows smoking in private clubs if a majority of members votes to allow smoking by changing the voting requirement to a majority of ballots received.

It allows smoking in qualifying clubs if a majority of all valid ballots cast by members and received by a qualifying club are in favor of smoking. This is a change from current law, which in order to allow smoking requires a vote in favor of smoking by a majority of all members. The law sets certain standards for the vote, including a 30-day notice, absentee ballots and notification to the Maine Center for Disease Control and Prevention. The law directs the Maine Center for Disease Control and Prevention to adopt rules and designates those rules as major substantive rules. The law provides transition provisions for qualifying clubs that conducted votes in favor of smoking prior to August 1, 2006.

See the Errors Bill, LD 2055, Part F, changing the August dates in the law to September.

LD 1914 **An Act To Increase Wheelchair Van Services Reimbursement Rates** **P & S 65**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	OTP-AM	H-871
		S-687 ROTUNDO

LD 1914 proposed to direct the Department of Health and Human Services to increase the reimbursement rates for wheelchair van services and provide an appropriation for wheelchair van services under the MaineCare program to prevent a loss to providers of the service.

Committee Amendment "A" (H-871) proposed to retain the provisions of the bill that direct the Department of Health and Human Services to increase the reimbursement rates for wheelchair van services. It proposed to add language expressing the intent that this funding increase be provided on an ongoing basis, decrease the appropriation to $445,000 in fiscal year 2006-07 and add an allocation of federal matching funds.

Senate Amendment "A" to Committee Amendment "A" (S-687) proposed to reduce the General Fund appropriation for fiscal year 2006-07 from $445,000 to $50,000 and reduce the Federal Expenditures Fund allocation for fiscal year 2006-07 from $763,582 to $85,796.

Enacted law summary

Private and Special Law 2005, chapter 65 directs the Department of Health and Human Services to increase the reimbursement rates for wheelchair van services. It appropriates from the General Fund for fiscal year 2006-07 $50,000 and allocates matching federal funds.

LD 1926 **An Act To Clarify the Workplace Smoking Laws** **DIED BETWEEN BODIES**

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

LD 1926 proposed to repeal the provisions of the Workplace Smoking Act of 1985, as amended by Public Law 2005, chapter 338, that allowed members of a private club to vote to allow smoking in that club. This bill also proposed to clarify that an employer could not discriminate against a person, including refusing to hire that person, because that person assisted in the supervision or enforcement of the Workplace Smoking Act of 1985.

LD 1927 **Resolve, To Collect Information about Employer-based Health Coverage** **RESOLVE 213**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-580
CANAVAN		S-688 ROTUNDO

LD 1927 proposed to require the Department of Health and Human Services to collect and disclose the names of the employers of applicants for MaineCare, and of persons requesting uncompensated care in a hospital and to disclose the total cost to the State of providing MaineCare benefits for the employees of each named employer and their enrolled dependents.

Committee Amendment "A" (S-580) proposed to replace the bill and change it to a resolve. The amendment proposed to direct the Department of Labor to conduct a one-time survey project to collect and analyze information on employer-sponsored health coverage. The amendment proposed to protect the confidentiality of information that directly identifies employers that is collected and generated for the survey by the Department of Labor and require a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, the joint standing committee of the Legislature having jurisdiction over insurance and financial affairs and the Board of Directors of Dirigo Health that presents the information in aggregate form and does not identify employers by name.

Senate Amendment "A" to Committee Amendment "A" (S-604) proposed to correct the appropriations and allocations section to reflect additional funding of $65,000 needed for the Department of Labor in fiscal year 2006-07.

Senate Amendment "B" to Committee Amendment "A" (S-688) proposed to amend the scope of the work to be performed and strike and replace the General Fund appropriation for fiscal year 2006-07 and prohibit the use of outside funding sources to cover the costs of the survey.

Enacted law summary

Resolve 2005, chapter 213 directs the Department of Labor to conduct a one-time limited survey project to collect and analyze information on employer-sponsored health coverage. The resolve allows a larger data collection effort if department funds are available. The resolve protects the confidentiality of information that directly identifies employers that is collected and generated for the survey by the Department of Labor and requires a report by February 1, 2007 to the joint standing committee of the Legislature having jurisdiction over health and human services matters, the joint standing committee of the Legislature having jurisdiction over insurance and financial affairs and the Board of Directors of Dirigo Health that presents the information in aggregate form and does not identify employers by name.

LD 1928 **An Act Permitting the Recycling of Unused Prescription Drugs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN PERRY A	ONTP	

LD 1928 proposed to establish an unused prescription drug program, under which unused prescription drugs were accepted and dispensed to low-income persons. To be eligible for the program a person would have a family income below 350% of the federal poverty level, could not be receiving MaineCare prescription drug benefits, would be a Maine resident and would have a valid prescription for the drug to be dispensed. The program could accept unused prescription drugs from drug manufacturers, drug wholesale and terminal distributors, hospitals, health clinics, federally qualified health centers, Indian health centers and rural health centers and assisted living facilities licensed by the Department of Health and Human Services.

LD 1934 **An Act To Improve Retention, Quality and Benefits for Direct Care Health Workers** **RESOLVE 194**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-568

LD 1934 proposed to require the Department of Health and Human Services to study options for, and cost of, increasing wages and providing health coverage for direct care workers in state-funded and MaineCare-funded long-term care programs.

Committee Amendment "A" (S-568) proposed to add to the study a survey of former direct care workers to determine whether they would return to work if the pay were increased to $10 per hour and a survey of organizations serving senior citizens to determine the level of interest of older persons in becoming direct care workers.

This amendment also proposed to make grammatical corrections to the resolve and eliminates redundant language.

Enacted law summary

Resolve 2005, chapter 194 requires the Department of Health and Human Services to study options for, and cost of, increasing wages and providing health coverage for direct care workers in state-funded and MaineCare-funded long-term care programs.

The study includes a survey of former direct care workers to determine whether they would return to work if the pay were increased to $10 per hour and a survey of organizations serving senior citizens to determine the level of interest of older persons in becoming direct care workers.

LD 1947 **An Act To Protect Children from the Onset of Autism** **ONTP**

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

LD 1947 proposed to prohibit the use of more than trace amounts of mercury, as defined by the United States Food and Drug Administration, in any vaccine for administration to children 8 years of age and younger or to pregnant women. It also proposed an exemption for public health emergencies. The bill proposed to require the Department of Health and Human Services, Bureau of Health to prepare an advisory poster on the dangers of mercury in certain fish to pregnant and nursing women, which would be required to be posted in supermarkets.

LD 1949 **Resolve, To Ensure Financial Management at the Department of Health and Human Services** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report	Amendments Adopted
MAYO	OTP-AM	S-546
PINGREE		

LD 1949, presented as a concept draft pursuant to Joint Rule 208, proposed to require that the Department of Health and Human Services establish program accounts in a more detailed fashion to ensure that funding and spending are accurately assigned to the appropriate account and program.

Committee Amendment "A" (S-546) proposed to replace the resolve and to create the Department of Health and Human Services Financial Management Work Group. It proposed that the work group would be required to develop a plan to assist the Department of Administrative and Financial Services, the Department of Health and Human Services and the Legislature in making informed budgetary decisions, providing for effective and efficient program operations and ensuring adequate financial reporting by the Department of Health and Human Services. It proposed to require the work group to present a report including recommendations for legislation to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services by March 30, 2007.

It proposed to require the Department of Health and Human Services to prepare and present a plan, which would be implemented in time to prepare the budget for the 2010-2011 biennium, to the 2 committees by March 30, 2008. It proposed to authorize the 2 committees to report out legislation related to the adjustment or realignment of accounts and programs as well as any legislation necessary to fully implement the plan.

LD 1951 **An Act To Establish Guidelines and Criteria for Audits Conducted by the Department of Health and Human Services** **PUBLIC 588 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
TARDY	OTP-AM	H-933

LD 1951 proposed changes to the practices governing audits of health care and community service providers conducted by the Department of Health and Human Services. It proposed to require the department to apply changes in interpretation prospectively, allow the reimbursement of certain compensation costs and apply industry standards when determining reasonableness of costs. It proposed to require the department to publish all informal review decisions and appeals decisions. It proposed making the office that hears appeals of MaineCare payments independent of the department by January 1, 2007.

Committee Amendment "A" (H-933) proposed to replace the bill and to change some of the practices governing audits of health care providers and other community services conducted by the Department of Health and Human Services. The amendment proposed to require the department to apply revised audit interpretations prospectively and to post final audit interpretations or decisions on the department's website. It proposed to require the department to amend its rules governing reimbursement, contracting, grants, payments, cost reports and audits by December 15, 2006. It proposed criteria that the department's audit staff would be required to consider when determining the reasonableness of costs, including employee compensation and benefits costs, as well as new time frames for informal review decisions and appeals. It proposed to require the department to study the methods of cost reimbursement and to report its findings and make recommendations to the Joint Standing Committee of Health and Human Services by January 1, 2007. It proposed to require studies on the timing of audits and providers' training and technical assistance needs and to report the findings and make recommendations to the Joint Standing Committee on Health and Human Services by January 15, 2008. It proposed to allow the committee to report out legislation to accomplish the recommendations of the reports.

Enacted law summary

Public Law 2005, chapter 588 changes some of the practices governing audits of health care providers and other community services conducted by the Department of Health and Human Services. The law requires the department to apply revised audit interpretations prospectively and to post final audit interpretations or decisions on the department's website. It requires the department to amend its rules governing reimbursement, contracting, grants, payments, cost reports and audits by December 15, 2006. It provides criteria that the department's audit staff must consider when determining the reasonableness of costs, including employee compensation and benefits costs, as well as new time frames for informal review decisions and appeals. It requires the department to study the methods of cost reimbursement and to report the findings and make recommendations to the Joint Standing Committee of Health and Human Services by January 1, 2007. It also requires studies on the timing of audits and providers' training and

technical assistance needs and requires the Department of Health and Human Services to report the findings and make recommendations to the Joint Standing Committee on Health and Human Services by January 15, 2008. It allows the committee to report out legislation to accomplish the recommendations of the reports.

Public Law 2005, chapter 588 was enacted as an emergency measure effective April 14, 2006.

LD 1959 **An Act To Guarantee Access to Medically Necessary Medications during the Implementation of the Medicare Part D Prescription Drug Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRENNAN PINGREE	ONTP	

LD 1959 proposed to direct the Department of Health and Human Services to report 2 weeks after the effective date of the bill and thereafter bimonthly until January 30, 2007 on the status of implementation of the Medicare Part D prescription drug program to the Joint Standing Committee on Health and Human Services. The bill proposed appropriations and allocations for outreach under the MaineCare program and the elderly low-cost drug program and proposed to direct the Department of Health and Human Services to establish a Medicare Part D emergency fund 90 days from January 1, 2006 that would provide continued coverage of drugs that were currently provided through MaineCare or the elderly low-cost drug program. The bill also proposed to direct the Department of Health and Human Services to study all options available for using the federal State Pharmacy Assistance Program and to present the results to the Joint Standing Committee on Health and Human Services by April 1, 2006.

For related legislation see the supplemental budget, LD 1968, PL 2005, chapter 519, part AAA.

LD 1973 **Resolve, To Improve Quality and Access to Mental Health Care Through the Development of a Joint Strategic Plan** **RESOLVE 192**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R PINGREE	OTP-AM	S-569

LD 1973 proposed to require Maine's 4 mental health hospitals to jointly develop a comprehensive strategic plan for the provision of hospital-based mental health services.

Committee Amendment "A" (S-569) proposed to add 3 steps to the strategic planning process and authorize the participants to request the assistance of the Office of Fiscal and Program Review. It proposed to require reporting to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the 2nd draft plan by January 15, 2007 and the final draft plan by March 15, 2007.

Enacted law summary

Resolve 2005, chapter 192 requires Maine's 4 mental health hospitals to jointly develop a comprehensive strategic plan for the provision of hospital-based mental health services.

The development of the plan is required to include 3 steps in the strategic planning process, each step gradually more inclusive. Assistance may be requested from the Office of Fiscal and Program Review. The resolve requires reporting to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the 2nd draft plan by January 15, 2007 and the final draft plan by March 15, 2007.

LD 1976 **Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization** **RESOLVE 166 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 1976 proposed to provide for legislative review of portions of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization related to the release of health care practitioner data.

Enacted law summary

Resolve 2005, chapter 166 authorizes final adoption of portions of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization related to the release of health care practitioner data.

Resolve 2005, chapter 166 was enacted as an emergency with an effective date of April 4, 2006.

LD 1980 **Resolve, To Provide Influenza Immunization Agents to All Health Care Facilities in the State** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	ONTP	

LD 1980 proposed to direct the Department of Health and Human Services to provide the influenza vaccine from its current supply to all health care facilities and health care practitioners in the state that did not receive the vaccine, review the ordering/distribution system for influenza vaccines and to devise a plan so that all health care practitioners and facilities in the state received the vaccines in timely manner for the next flu season. It also proposed to direct the department to include a system for providing sufficient antiviral medication in the event of a flu pandemic in the plan.

See Public Law 2005, chapter 670.

LD 1982 **Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization** **RESOLVE 165 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-881

LD 1982 proposed to provide for legislative review of portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a major substantive rule of the Maine Health Data Organization. The rule changes would be related to quality metrics for healthcare associated infections and would require hospitals to report specific data related to these metrics.

Committee Amendment "A" (H-881) proposed to change the resolve by making the approval of the rules contingent upon the removal of 2 healthcare associated infection (HAI) quality metrics in the section of the rule designated section 3 (B).

Enacted law summary

Resolve 2005, chapter 165 authorizes final adoption of portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a major substantive rule of the Maine Health Data Organization. The rule change establishes quality metrics for healthcare associated infections and requires hospitals to report specific data related to these metrics.

Resolve 2005, chapter 165 was enacted as an emergency measure effective April 4, 2006.

LD 1983 **Resolve, Directing the Department of Health and Human Services To Develop a Model for Community-based Therapeutic Living Settings for Adults with Mental Illness** **RESOLVE 188**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS MAYO	OTP-AM	H-932

LD 1983 proposed to direct the Department of Health and Human Services to develop a model for a system of community-based therapeutic living settings for adults with mental illness. It also proposed to direct the Office of Fiscal and Program Review to examine the system of community-based therapeutic living settings for adults with mental illness in the State of Montana.

Committee Amendment "A" (H-932) proposed to make the following changes to the resolve. It proposed to remove the requirement that the community-based therapeutic living model for adults with mental illness be limited to persons currently receiving services at Riverview Psychiatric Center or living in community-based group homes and add a requirement that the model grant priority to persons who previously lived in those settings or in the Augusta Mental Health Institute. It proposed to require the development of a per-unit comparison of residential placements with the assistance of the Office of Fiscal

and Program Review. It proposed to require a report no later than September 1, 2006. It proposed to delete a study of community-based therapeutic living settings for adults in Montana.

Enacted law summary

Resolve 2005, chapter 188 directs the Department of Health and Human Services to develop a model for a system of community-based therapeutic living settings for adults with mental illness.

It requires that the model grant priority to persons who previously lived in residential placements or in the Augusta Mental Health Institute. It requires the development of a per-unit comparison of residential placements with the assistance of the Office of Fiscal and Program Review. It requires a report no later than September 1, 2006.

LD 1987 **An Act To Increase Consumer Awareness of Prescription Drug Pricing** **PUBLIC 610**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS	OTP-AM MAJ	H-965
MAYO	ONTP MIN	S-587 MAYO

LD 1987 proposed to require the director of the Governor's Office of Health Policy and Finance to compile a list of the 20 most-distributed prescription drugs in this State. The director would be required to notify at least semiannually each chain pharmacy licensed in this State of the listed drugs. Each chain pharmacy, which is defined as a pharmacy that is part of a corporate grouping with 4 or more pharmacies, would be required to report monthly to the director the retail price charged for each of the drugs on the list as well as the retail price charged for a generic equivalent of a drug on the list. Each chain pharmacy would be required to post the list in its store along with the prices charged by that chain pharmacy for the drugs on the list and any generic equivalents to those drugs. The director would be required to post on a publicly accessible website the list, the names of the chain pharmacies reporting, the prices charged by each chain pharmacy for the listed drugs and the names and prices charged by each chain pharmacy of any generic equivalents to those drugs on the list.

Committee Amendment "A" (H-965) proposed to require a pharmacist or person acting at the direction of a pharmacist to provide usual and customary price information to consumers and, if reasonably obtainable, the price applicable to the consumer. The amendment proposed to direct a pharmacy to post a notice about the availability of price information. The amendment proposed to also direct the Governor's Office of Health Policy and Finance and the Department of Health and Human Services, Office of Elder Services to convene a working group to discuss consumer access to prescription drug information and to post on the Internet basic prescription drug information.

Senate Amendment "A" to Committee Amendment "A" (S-587) proposed to clarify that a pharmacy must give consumer price information in person or on the telephone.

Enacted law summary

Public Law 2005, chapter 610 requires a pharmacist or person acting at the direction of a pharmacist to provide usual and customary price information to consumers and, if reasonably obtainable, the price

applicable to the consumer. The law directs a pharmacy to post a notice about the availability of price information and requires a pharmacy to give consumer price information in person or on the telephone. The law also directs the Governor's Office of Health Policy and Finance and the Department of Health and Human Services, Office of Elder Services to convene a working group to discuss consumer access to prescription drug information and to post on the Internet basic prescription drug information.

LD 1991 **Resolve, To Ensure the Availability of Consumer-directed Personal Assistance Services** **RESOLVE 199**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-581
RICHARDSON J		S-600 MAYO

LD 1991 proposed the following.

1. It proposed to direct the Commissioner of Health and Human Services and the Commissioner of Labor to adopt rules to increase rates of reimbursement for providers of consumer-directed personal care assistance services.

2. It proposed to direct the Commissioner of Health and Human Services and the Commissioner of Labor to initiate a competitive bidding process to solicit bids from prospective providers of consumer-directed personal care assistance services.

3. It proposed to direct the Commissioner of Health and Human Services and the Commissioner of Labor to develop a plan and timeline to implement recommendations of the working group established pursuant to Public Law 2003, chapter 673 on consumer direction in Maine's long-term supportive services system, and to submit the plan and timeline to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Labor.

Committee Amendment "A" (S-581) proposed to add to the work of the Commissioner of Health and Human Services and the Commissioner of Labor a survey of wages and benefits of personal care assistants, including those in programs for which funds are provided by the State, and a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2007. The amendment proposed to change the resolve to provide wage increases from $9 to $10 per hour in order to reflect the increase from $7.71 to $9.00 per hour provided in Public Law 2005, chapter 519, Part VVV. The amendment proposed to provide an appropriation for the Department of Health and Human Services programs. The amendment proposed to make money available for the wage increase October 1, 2006.

Senate Amendment "A" to Committee Amendment "A" (S-600) proposed to direct the Department of Health and Human Services to submit an amendment to the State Medicaid plan for a program for personal assistance services for persons with physical disabilities. The amendment proposed to allow a pay increase up to $10 per hour if funding were available from the program. The amendment proposed to delay any increase in the program run by the Department of Labor until the Department of Health and Human Services program grants an increase.

Enacted law summary

Resolve 2005, chapter 199 accomplishes the following.

1. It directs the Commissioner of Health and Human Services and the Commissioner of Labor to adopt rules to increase rates of reimbursement for providers of consumer-directed personal care assistance services up to $10 per hour rate of pay, depending on available funds.

2. It directs the Commissioner of Health and Human Services and the Commissioner of Labor to initiate a competitive bidding process to solicit bids from prospective providers of consumer-directed personal care assistance services.

3. It directs the Commissioner of Health and Human Services and the Commissioner of Labor to develop a plan and timeline to implement recommendations of the working group established pursuant to Public Law 2003, chapter 673 on consumer direction in Maine's long-term supportive services system, and to submit the plan and timeline to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Labor.

4. It requires the Commissioner of Health and Human Services and the Commissioner of Labor to conduct a survey of wages and benefits of personal care assistants, including those in programs for which funds are provided by the State, and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2007.

5. It requires the Department of Health and Human Services to submit an amendment to the Medicaid state plan for a program for personal assistance services for persons with physical disabilities.

LD 1992 **An Act Regarding Prescription Drug Information Intermediaries** **PUBLIC 589**

Sponsor(s)	Committee Report	Amendments Adopted
MAYO PINGREE	OTP-AM	S-549

LD 1992 proposed to prohibit pharmacy benefits managers and electronic transmission intermediaries from releasing health care information, which is defined as information that directly identifies an individual and that relates to the individual's physical, mental or behavioral condition, personal or family medical history or medical treatment or the health care provided to that individual, unless permission is received from the individual or other authorized person. Current law prohibits health care providers, pharmacies and insurance companies from releasing this information.

Committee Amendment "A" (S-549) proposed to replace the bill. It proposed to prohibit a prescription drug information intermediary from selling or exchanging for value prescription drug information that identifies directly or indirectly an individual who is the subject of the prescription drug information. It proposed to designate a violation of this Act as a violation of the Maine Unfair Trade Practices Act. The amendment also proposed to require drug manufacturers who pay the fee for state oversight of prescription drug and clinical trial information to pay that fee to the State. Current law requires that fee to

be paid to the Department of Health and Human Services. The amendment did not propose to change or add to the fee.

Enacted law summary

Public Law 2005, chapter 589 prohibits a prescription drug information intermediary from selling or exchanging for value prescription drug information that identifies directly or indirectly an individual who is the subject of the prescription drug information. It designates a violation of this Act as a violation of the Maine Unfair Trade Practices Act. The law also requires drug manufacturers who pay the fee for state oversight of prescription drug and clinical trial information to pay that fee to the State. Current law requires that fee to be paid to the Department of Health and Human Services. The law does not change or add to the fee.

LD 1994 **Resolve, To Preserve Patient Records** **RESOLVE 164**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH W BARTLETT	OTP-AM	H-882

LD 1994 proposed to provide that a hospital or health care practitioner may not destroy an image of a patient recorded using x rays, magnetic resonance imaging or computerized tomography without the consent of the patient.

Committee Amendment "A" (H-882) proposed to replace the bill and change it to a resolve. It proposed to direct the Department of Health and Human Services to amend the rules regarding licensing for general and specialty hospitals and ambulatory surgical facilities to require general public notice or notice to a patient when hospitals and facilities plan to destroy or purge images of a patient that were made using x rays, magnetic resonance imaging or computerized tomography. The amendment proposed to designate the rules as routine technical rules.

Enacted law summary

Resolve 2005, chapter 164 directs the Department of Health and Human Services to amend the rules regarding licensing for general and specialty hospitals and ambulatory surgical facilities to require general public notice or notice to a patient when hospitals and facilities plan to destroy or purge images of a patient that were made using x rays, magnetic resonance imaging or computerized tomography. The resolve designates the rules as routine technical rules.

LD 1995 **Resolve, Directing the Department of Health and Human Services To Amend Its Rules To Ensure Efficiencies in the Billing and Delivery of Outpatient Clinical Services** **RESOLVE 203**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS	OTP-AM	H-1033
BRENNAN		H-1045 PINGREE

LD 1995 proposed to direct the department to amend its rules governing reimbursement under MaineCare to allow for reimbursement to providers of outpatient clinical services who practice independently. Under rules adopted by the Department of Health and Human Services, certain providers of outpatient clinical services may be reimbursed for services provided to MaineCare members only if the service providers are affiliated with an agency.

Committee Amendment "A" (H-1033) proposed to require the Department of Health and Human Services to amend the MaineCare rules for licensed clinical social workers, licensed marriage and family therapists, licensed pastoral counselors and licensed professional counselors to provide additional standards in order to coordinate and integrate with MaineCare-managed behavioral health care services. The amendment proposed to tie implementation of the rule changes to the beginning of managed behavioral health care services. The amendment proposed to designate the rules as routine technical rules.

Implementation of the rule changes and broadened reimbursement rules for licensed clinical social workers, licensed marriage and family therapists, licensed pastoral counselors and licensed clinical professional counselors practicing independently would take place in coordination with and at the same time as the department's initiative in managed behavioral health care services under the MaineCare program.

House Amendment "A" to Committee Amendment "A" (H-1045) proposed to require the Department of Health and Human Services, in implementing managed behavioral health care services and consistent with budgeted savings, to amend its rules to allow MaineCare reimbursement to outpatient behavioral health care clinical service providers who practice independently and who participate in the department's managed care initiative.

Enacted law summary

Resolve 2005, chapter 203 requires the Department of Health and Human Services, in implementing managed behavioral health care services and consistent with budgeted savings, to amend its rules to allow MaineCare reimbursement to outpatient behavioral health care clinical service providers who practice independently and who participate in the department's managed care initiative.

LD 2000 **Resolve, To Ensure Appropriate Reimbursement of Rising Heating Costs for Long-term Care Facilities** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON J	OTP-AM	H-963

LD 2000 proposed to require the Department of Health and Human Services to amend its principles of reimbursement for long-term care facilities to provide proper recognition of rapidly rising energy costs. The changes would affect each of the next 3 fiscal years for these facilities. Under the bill, these costs will be reclassified as fixed costs that are fully reimbursed and will no longer be subject to routine cost caps. For those private nonmedical institutions that receive predetermined room and board rates, these rates would be adjusted upward over the next 3 fiscal years to provide sufficient reimbursement to cover rapidly rising energy costs.

Committee Amendment "A" (H-963) proposed to direct the Department of Health and Human Services to amend the rules for reimbursing nursing and residential care facilities to rebase the heating costs incorporated in the routine cost component. The amendment proposed to appropriate $494,508 in fiscal year 2007 for residential care facilities and to appropriate $308,453 in fiscal year 2007 and allocate $529,278 in fiscal year 2007 for nursing facilities.

LD 2003 **Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level III, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 154 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2003 proposed to provide for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level III, a major substantive rule of the Department of Health and Human Services.

Enacted law summary

Resolve 2005, chapter 154 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level III, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 154 was passed as an emergency measure effective March 30, 2006.

LD 2004 **Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level IV, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 152 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2004 proposed to provide for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level IV, a major substantive rule of the Department of Health and Human Services.

Enacted law summary

Resolve 2005, chapter 152 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level IV, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 152 was passed as an emergency measure effective March 30, 2006.

LD 2005 **Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level II, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 153 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2005 proposed to provide for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level II, a major substantive rule of the Department of Health and Human Services.

Enacted law summary

Resolve 2005, chapter 153 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level II, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 153 was passed as an emergency measure effective March 30, 2006.

LD 2006 **Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level IV Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 156 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2006 proposed to provide for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level IV Residential Care Facilities, a major substantive rule of the Department of Health and Human Services.

Enacted law summary

Resolve 2005, chapter 156 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level IV Residential Care Facilities, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 156 was passed as an emergency measure effective March 30, 2006.

LD 2007 **Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Assisted Living Programs, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 160 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2007 proposed to provide for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Assisted Living Programs, a major substantive rule of the Department of Health and Human Services.

Enacted law summary

Resolve 2005, chapter 160 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Assisted Living Programs, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 160 was passed as an emergency measure effective March 30, 2006.

LD 2008 **Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level I, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 155 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2008 proposed to provide for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level I, a major substantive rule of the Department of Health and Human Services.

Enacted law summary

Resolve 2005, chapter 155 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level I, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 155 was passed as an emergency measure effective March 30, 2006.

LD 2009 **Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level I Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 159 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2009 proposed to provide for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level I Residential Care Facilities, a major substantive rule of the Department of Health and Human Services.

Enacted law summary

Resolve 2005, chapter 159 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level I Residential Care Facilities, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 159 was passed as an emergency measure effective March 30, 2006.

LD 2010 **Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level II Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 158 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2010 proposed to provide for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level II Residential Care Facilities, a major substantive rule of the Department of Health and Human Services.

Enacted law summary

Resolve 2005, chapter 158 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level II Residential Care Facilities, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 158 was passed as an emergency measure effective March 30, 2006.

LD 2011 **Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level III Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 157 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2011 proposed to provide for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level III Residential Care Facilities, a major substantive rule of the Department of Health and Human Services.

Enacted law summary

Resolve 2005, chapter 157 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level III Residential Care Facilities, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 157 was passed as an emergency measure effective March 30, 2006.

LD 2022 **An Act To Implement Recommendations of the Study Commission Regarding Livable Wages Concerning Subsidized Child Care** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 2022, a recommendation of the Study Commission Regarding Livable Wages, proposed to direct the Department of Health and Human Services to annually report to the Joint Standing Committee on Health and Human Services on the department's efforts toward meeting a goal of ensuring that at least 70% of eligible children have access to child care subsidies.

LD 2062 **Resolve, Regarding Legislative Review of Portions of Chapter III, Section 50: Intermediate Care Facilities for the Mentally Retarded, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 196 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2062 proposed to provide for legislative review of portions of Chapter III, Section 50: Intermediate Care Facilities for the Mentally Retarded, a major substantive rule of the Department of Health and Human Services.

Enacted law summary

Resolve 2005, chapter 196 provides for legislative review of portions of Chapter III, Section 50: Intermediate Care Facilities for the Mentally Retarded, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 196 was enacted as an emergency measure effective April 19, 2006.

LD 2064 **Resolve, Regarding Legislative Review of Portions of Chapter 33: Home Day Care Provider Rules, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 195 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2064 proposed to provide for legislative review of portions of Chapter 33: Home Day Care Provider Rules, a major substantive rule of the Department of Health and Human Services.

Enacted law summary

Resolve 2005, chapter 195 provides for legislative review of portions of Chapter 33: Home Day Care Provider Rules, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 195 was enacted as an emergency measure effective April 19, 2006.

LD 2094 **An Act To Address Eating Disorders in Maine** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	H-900 PINGREE

LD 2094 was submitted by the Joint Standing Committee on Health and Human Services. The bill proposed to provide funding of $138,000 for an eating disorders initiative to provide education and assistance to Maine residents suffering from eating disorders. The bill proposed to require the Department of Health and Human Services to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by May 1, 2007.

House Amendment "A" (H-900) proposed to make a technical correction to the name of the program account for the Maine Center for Disease Control and Prevention.

LD 2097 **An Act To Facilitate the Maine Quality Forum** **PUBLIC 615**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER MAYO	OTP-AM	H-1077

LD 2097 proposed to make health information networks eligible to apply for Maine Health and Higher Education Facilities Authority Act bonding. It also proposed a limited public records exception for practitioner-specific data used or maintained by the Maine Quality Forum, which would keep the data confidential until it was determined to be complete and accurate.

Committee Amendment "A" (H-1077) proposed to remove the portion of the bill that would make health information networks eligible to apply for Maine Health and Higher Education Facilities Authority Act bonding.

Enacted law summary

Public Law 2005, chapter 615 allows a limited public records exception for practitioner-specific data used or maintained by the Maine Quality Forum. It keeps the data confidential until it is determined to be complete and accurate by the director of the Maine Quality Forum, at which time the data becomes available for public inspection.

LD 2106 **An Act To Address Potential Shortages of Influenza Immunizing Agents in Maine** **PUBLIC 628 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2106 proposed to require influenza vaccine manufacturers and distributors to report information on the distribution of flu vaccines within the state to the Department of Health and Human Services. It proposed a public records exception, which would make the information reported to the department confidential. It proposed to allow the department to release the information to certain entities under certain circumstances to facilitate access to the vaccines by Maine residents.

Enacted law summary

Public Law 2005, chapter 628 requires influenza vaccine manufacturers and distributors to report information on the distribution of flu vaccines within the state to the Department of Health and Human Services. It provides a public records exception, which makes the information reported to the department confidential. It allows the department to release the information to certain entities under certain circumstances to facilitate access to the vaccines by Maine residents.

Public Law 2005, chapter 628 was enacted as an emergency effective May 4, 2006.

LD 2110 **An Act To Establish the Hospital and Health Care Provider Cooperation Act** **PUBLIC 670**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ ONTP MIN	S-654

LD 2110 proposed to repeal the Hospital Cooperation Act of 1992. It proposed to enact the Hospital and Health Care Provider Cooperation Act to provide a mechanism that hospitals and health care providers may use to provide state action immunity under federal antitrust laws when hospitals enter into cooperative agreements with other hospitals and health care providers enter into cooperative agreements with other health care providers. The bill sets the application fees for hospital and health care provider applications for certificates of public advantage. The bill proposed to maintain the same assessments as are in the current Hospital Cooperation Act of 1992. The bill proposed to enact an effective date of January 1, 2007.

Committee Amendment "A" (S-654) is the majority report of the committee.

This amendment proposed to do the following.

1. Add licensed community mental health services providers to the definition of health care providers included in the Hospital and Health Care Provider Cooperation Act. Mental health providers are covered by the Hospital Cooperation Act of 1992 and were inadvertently omitted from the bill.

2. Make grammatical changes in several places.

3. Prohibit issuing to health care providers a certificate of public advantage for a cooperative agreement that allows coordinated negotiation and contracting with payors or employers unless the negotiation and contracting are ancillary to clinical or financial integration. This prohibition is not intended to preclude consideration of whether clinical or financial integration is necessary to demonstrate that likely benefits outweigh likely disadvantages for the issuance of a certificate of public advantage with respect to a cooperative agreement for coordinated negotiation and contracting filed by hospitals.

4. Require a public hearing on the application for a certificate of public advantage if 5 or more persons request a hearing and require a record of the hearing to be kept as part of the public record of the application.

5. Add a requirement that the Department of Health and Human Services report by April 1, 2007 and January 1, 2008 to the joint standing committee of Legislature having jurisdiction over health and human services matters on the experience of the department in administering the Hospital and Health Care Provider Cooperation Act.

6. Delete the delayed effective date and insert an application clause to apply the new law to agreements entered into on or after June 1, 2006.

Enacted law summary

Public Law 2005, chapter 670 repeals the Hospital Cooperation Act of 1992. It enacts the Hospital and Health Care Provider Cooperation Act to provide a mechanism that hospitals and health care providers may use to provide state action immunity under federal antitrust laws when hospitals enter into cooperative agreements with other hospitals and health care providers enter into cooperative agreements with other health care providers. The law prohibits issuing to health care providers a certificate of public advantage for a cooperative agreement that allows coordinated negotiation and contracting with payors or employers unless the negotiation and contracting are ancillary to clinical or financial integration. This prohibition is not intended to preclude consideration of whether clinical or financial integration is necessary to demonstrate that likely benefits outweigh likely disadvantages for the issuance of a certificate of public advantage with respect to a cooperative agreement for coordinated negotiation and contracting filed by hospitals. The law requires a public hearing on the application for a certificate of public advantage if 5 or more persons request a hearing and requires a record of the hearing to be kept as part of the public record of the application. The law sets the application fees for hospital and health care provider applications for certificates of public advantage. The law maintains the same assessments as are in the current Hospital Cooperation Act of 1992.

The law requires that the Department of Health and Human Services to report by April 1, 2007 and January 1, 2008 to the joint standing committee of Legislature having jurisdiction over health and human services matters on the experience of the department in administering the Hospital and Health Care Provider Cooperation Act.

The law includes an application clause to apply the new law to agreements entered into on or after June 1, 2006.

LD 447 **An Act To Require Health Insurers To Cover the Costs of Hearing Aids** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-149

LD 447 was carried over from the First Special Session on the Special Appropriations Table by S.P. 640. The bill proposed to require health insurance policies, contracts and certificates to provide coverage for hearing aids for persons 21 years of age and under. The provisions would apply to all policies, contracts and certificates issued or renewed on or after January 1, 2006.

Committee Amendment "A" (S-149) proposed to require health insurance policies, contracts and certificates to provide coverage for hearing aids for persons 18 years of age and under. The bill required coverage for persons 21 years of age and under. The amendment would allow insurance policies to limit coverage to $1,400 per hearing aid every 36 months. The provisions would apply to all policies, contracts and certificates issued or renewed on or after January 1, 2006.

During the First Special Session, Committee Amendment "A" was adopted in the House, but placed on the Special Appropriations Table in the Senate and carried over to the Second Regular Session.

LD 447 was not removed from the Special Appropriations Table in the Senate before adjournment sine die.

LD 1680 **An Act to Improve Dirigo Health** **DIED ON ADJOURNMENT**

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

LD 1680 is a concept draft pursuant to Joint Rule 208. The bill proposed to:

1. Require the Dirigo Health Agency to develop a method for including a health savings account option as part of DirigoChoice and to report its recommendation for such inclusion to the Joint Standing Committee on Insurance and Financial Services;

2. Require the Governor's Office of Health Policy and Finance to develop options for financing the cost of conforming state tax law to federal tax law regarding health savings accounts and to report its recommendations to the Joint Standing Committee on Insurance and Financial Services;

3. Require the Department of Professional and Financial Regulation, Bureau of Insurance to develop a method for insurance carriers to report new business, categorized by insurance status. The report would include categories for insured, underinsured and uninsured people. The bureau would report its recommendations to the Joint Standing Committee on Insurance and Financial Services;

4. Expand the membership of the Advisory Council on Health Systems Development to include a practicing nurse, a small business and a large business that purchases employee health coverage; and

5. Clarify that the Dirigo Health Agency is authorized to make and administer grants.

Committee Amendment "A" (S-491) is the minority report of the committee and replaced the bill, which was a concept draft pursuant to Joint Rule 208. The amendment proposed to repeal the savings offset payment used to support subsidies for the Dirigo Health Program. The amendment would require that the subsidy program for enrollees in the Dirigo Health Program and the Maine Quality Forum, which were funded with the savings offset payment, continue with funding from existing resources of the Dirigo Health Program. The amendment also would prohibit any funds collected by Dirigo Health from being used as the state share for individuals directly enrolled in MaineCare.

The amendment proposed to add a General Fund appropriation of $8,313,000 for the costs of the state share for MaineCare services for parents as a result of the provision prohibiting these costs from being funded through transfers from Dirigo Health. Committee Amendment "A" was not adopted.

LD 1680 was still in the possession of the Senate upon adjournment sine die.

LD 1723 **An Act To Address Benefits for Employees and Officers of Credit Unions** **PUBLIC 468**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A MAYO	OTP	

LD 1723 proposed to establish statutory authority for a state-chartered credit union to provide employee benefits, including retirement benefits, to its employees and officers and to fund those employee benefit plan obligations with investments that would otherwise be impermissible under state law. The bill also proposed to authorize the Superintendent of Financial Institutions to adopt rules to implement this provision to address any safety and soundness issues associated with those employee benefit plans.

Enacted law summary

Public Law 2005, chapter 468 authorizes a state-chartered credit union to provide employee benefits, including retirement benefits, to its employees and officers and fund those employee benefit plan obligations with investments that would otherwise be impermissible under state law. The law also authorizes the Superintendent of Financial Institutions to adopt rules to implement the law and to address any safety and soundness issues.

LD 1734 **An Act To Increase Accessibility to Health Insurance** **PUBLIC 493 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
GLYNN	OTP-AM	H-758

LD 1734 proposed to extend eligibility for health insurance coverage to a person who is not yet a United States citizen, but who is living legally in this country.

Committee Amendment "A" (H-758) replaced the bill. The amendment proposed to amend the definition of "legally domiciled" so that a person is required to satisfy 2 of 6 criteria before becoming eligible to purchase individual health insurance coverage. Under current law, persons are required to satisfy 3 of 4 criteria, including that a person have a valid driver's license, be registered to vote, have a permanent dwelling place or file an income tax return as a resident of this State. The amendment also proposed to expand the criteria for eligibility to purchase health insurance coverage to include a valid passport or visa, a sworn affidavit declaring a person's intent to reside in this State and a state identification card in lieu of a driver's license.

The amendment also proposed to add an emergency preamble and emergency clause.

Enacted law summary

Public Law 2005, chapter 493 amends the definition of "legally domiciled" for purposes of becoming eligible to purchase individual health insurance so that a person is required to satisfy 2 of 6 criteria before becoming eligible. The law also expands the criteria for eligibility to purchase health insurance coverage to include a valid passport or visa, a sworn affidavit declaring a person's intent to reside in this State and a state identification card in lieu of a driver's license. Under current law, a person must satisfy 3 of the following 4 criteria: a valid driver's license; proof of voter registration; a permanent dwelling place in the State; or proof of filing of a resident income tax return.

Public Law 2005, chapter 493 was enacted as an emergency measure effective March 16, 2006.

LD 1782 **An Act To Prevent Elder and Dependent Adult Financial Abuse** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MAYO PERRY A	ONTP	

LD 1782 proposed to require officers and employees of financial institutions to report suspected financial abuse of an elder or a dependent adult to local law enforcement or to local adult protective services. The bill provides that allegations by an elder or dependent adult are not sufficient to require reporting if the officer or employee of a financial institution has no knowledge of independent evidence or does not have a reasonable belief that financial abuse has occurred. The bill proposed to subject those who fail to report suspected financial abuse to civil violations with fines up to $5,000 that must be paid by the financial institution. The bill proposed to add an immunity provision to protect those mandated to report from

liability and a provision to make the reports confidential with limited exceptions for disclosure. The bill also proposed to require the Department of Health and Human Services to provide financial institutions with training materials and instructions for compliance with the mandatory reporting requirements in the bill.

LD 1783 **An Act To Amend the Maine Consumer Credit Code as It Relates to Finance Charges for Loans on Open-end Credit** **PUBLIC 484**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN PERRY A	OTP-AM	S-451

LD 1783 proposed to exempt home equity lines of credit accessed by a credit card from the provision of law that prohibits the imposition of a finance charge on purchases made during a billing cycle if the purchases are paid for no later than 25 days after the closing date of that billing cycle.

Committee Amendment "A" (S-451) proposed to clarify that home equity lines of credit accessed by a credit card are still subject to the Maine Consumer Credit Code provisions limiting the maximum interest rate for home equity lines of credit to 18%.

Enacted law summary

Public Law 2005, chapter 484 exempts home equity lines of credit accessed by a credit card from the provision of law that prohibits the imposition of a finance charge on purchases made during a billing cycle if they are paid for no later than 25 days after the closing date of that billing cycle. The law also clarifies that home equity lines of credit accessed by a credit card are still subject to the Maine Consumer Credit Code provisions limiting the maximum interest rate for home equity lines of credit to 18%.

LD 1801 **An Act To Amend the Maine Insurance Guaranty Association Act** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN PERRY A	ONTP	

LD 1801 proposed to permit the Workers' Compensation Board to audit workers' compensation claims administered by the Maine Insurance Guaranty Association for the purpose of reviewing the timeliness of claims payments and whether the association is unreasonably contesting claims. Under current law, the Workers' Compensation Board does not have that authority.

A related bill, LD 2068, An Act Regarding the Maine Insurance Guaranty Association, was considered by the Joint Standing Committee on Labor and enacted as Public Law 2005, chapter 603

LD 1845 **An Act To Increase Access to Health Insurance Products** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted
BRYANT M	OTP-AM	MAJ	
BRYANT B	OTP-AM	MIN	

LD 1845 proposed to allow the Board of Directors of Dirigo Health to cancel or not renew a contract with an insurance carrier to provide health care insurance to members of Dirigo Health. In the event of cancellation or nonrenewal of a contract to provide health care insurance under Dirigo Health by either the insurance carrier or the board, the board is authorized to establish an alternative organizational structure to provide health insurance coverage or to expand an existing public plan without seeking legislative approval.

Committee Amendment "A" (H-1012) is the majority report of the committee and replaced the bill. The amendment proposed to expand the Dirigo Health Board of Directors from 5 to 9 members and rename it the Board of Trustees of Dirigo Health. The amendment requires that 3 voting members of the board have expertise in accounting, banking, securities or insurance and adds the Treasurer of State as an ex officio, nonvoting member. The amendment clarifies that 5 members of the board constitute a quorum and that an affirmative vote of 5 members is needed for the board to take action. The amendment extends the limitation on personal liability of trustees under the Maine Uniform Trust Code to the trustees of Dirigo Health.

The amendment proposed to permit licensed insurance producers with health authority to sell the Dirigo Health Program insurance products if the producer meets certain training requirements. Additionally, the bill exempts producers from the appointment requirement solely for purposes of selling the Dirigo Health Program insurance products and holds a carrier underwriting Dirigo Health Program coverage harmless from liability for any actions of such producers.

The amendment would give authority to Dirigo Health to provide access to health benefits coverage through the Dirigo Health Self-administered Plan after the board evaluates bids for self-administered and fully insured benefits coverage. If the board makes the decision to provide coverage through a self-administered plan, the amendment requires the board to report to the joint standing committee of the Legislature having jurisdiction over health insurance matters within 30 days of the decision. The amendment also gives the committee the authority to report out legislation relating to the self-administered plan.

If the Dirigo Health Self-administered Plan is established, the amendment would authorize the board to enter into voluntary cooperative agreements with a public purchaser for purchasing and administrative functions only, but requires that the risk pools and reserves of the Dirigo Health Self-administered Plan and any public purchaser not be commingled. The amendment proposed to expand the duties and responsibilities of the board with regard to the establishment and ongoing management of the self-administered plan. The amendment would require the board to contract for services from actuaries, investment counsel, financial institutions, 3rd-party administrators and any other organization necessary to administer the plan. The amendment requires an actuary under contract to the board to determine the appropriate level of reserves and administrative costs for the plan and the amount of stop loss insurance necessary, provide opinions regarding the actuarial soundness of the plan, develop a rate structure for the plan and report annually to the board.

The amendment would require the Dirigo Health Self-administered Plan to maintain reserves at least equal to the sum of the amount necessary to pay claims and administrative costs for the assumed risk for 2 1/2 months and the amount determined annually by a qualified actuary to be necessary to fund the unpaid portion of ultimate expected losses and related expenses incurred in the provision of benefits. The amendment requires the reserve account to be adjusted on a quarterly basis and to be capitalized from any initial start-up funds transferred into the account by Dirigo Health, monthly enrollee payments, any funds received from any public or private source, legislative appropriations, payments from any state departments or agencies and any other means approved by the Legislature. The amendment also authorizes the board to purchase excess or stop loss insurance at attachment limits and levels recommended by a qualified actuary and removes the authority to establish a self-administered plan in the event the board is unable to purchase that insurance.

The amendment would require the Dirigo Health Self-administered Plan to meet the same requirements of the Maine Insurance Code that would be required by state law if health benefits coverage were provided by a health insurance carrier for community rating, guaranteed issuance, guaranteed renewal, continuity of coverage and mandated benefits. The amendment also requires that the self-administered plan extend the same benefits, rights and protections of the Maine Revised Statutes, Title 24-A, chapter 56-A and Bureau of Insurance Rule Chapter 850, including a limited right to sue the Dirigo Health Self-administered Plan. The amendment specifically waives the State's defense of immunity under the Maine Tort Claims Act.

Committee Amendment “A” was not adopted.

Committee Amendment “B” (H-1013) is the minority report of the committee and replaced the bill. The amendment proposed to end the terms of current Board of Directors of Dirigo Health members on September 30, 2006 and requires that the terms of new members be staggered. The amendment retains the 5-member board but requires that 2 of the 5 members be elected by Dirigo enrollees by written ballot. The amendment also adds 2 nonvoting members appointed by the Governor to represent labor and consumer advocacy interests.

The amendment would clarify that the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters is the committee of jurisdiction over Dirigo Health. The amendment requires the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters to review the Dirigo Health budget and make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The amendment also proposed to require Dirigo Health to be reviewed under the Government Evaluation Act in 2007.

The amendment proposed to allow all carriers licensed to transact health insurance in this State to offer health insurance plans eligible for subsidy under the Dirigo Health Program if the plan is comparable to the prototype for a health benefits package developed by Dirigo Health and certified by the Superintendent of Insurance.

The amendment proposed to limit eligibility for Dirigo Health Program coverage to employers and individuals who did not have prior health insurance coverage for 6 months. The amendment also would require that Dirigo Health apply an asset limit that is 3 times the limits applied by MaineCare to determine eligibility for subsidies in addition to the requirement that an individual's income be at 300% or below the federal poverty level. The amendment requires that the subsidies be applied only to the premium cost for Dirigo Health Program coverage.

The amendment proposed to repeal the savings offset payment as the source of funding for subsidies for the Dirigo Health Program and instead would require an annual transfer of $15,000,000 from General Fund undedicated revenue to support subsidies. The amendment also prohibits any funds collected by Dirigo Health from being used as the state share for an individual directly enrolled in MaineCare.

The amendment proposed to clarify that the amount of the subsidy received by individuals enrolled in Dirigo Health is not included as income for the purposes of determining eligibility for MaineCare. The amendment added an appropriations and allocations section to the bill. Committee Amendment "B" was not adopted.

House Amendment "A" to Committee Amendment "A" (H-1060) proposed to remove all of the provisions in the majority report and turn the bill into a resolve requiring the creation of the Blue Ribbon Commission To Study Alternative Models for the Dirigo Health Program. The amendment proposed to require the commission to study alternative models, including the formation of a self-administered plan, the establishment of a nonprofit entity, the use of a voucher system and other models. The commission is composed of 11 members, including 4 Legislators, a representative of the Dirigo Health Board of Directors and members representing the interests of employers, health insurance carriers, hospitals, insurance producers and consumers. The amendment requires the commission to report to the First Regular Session of the 123rd Legislature and also authorizes the commission to introduce recommended legislation. This amendment adds an appropriations and allocations section. House Amendment "A" to Committee Amendment "A" was not adopted.

House Amendment "A" to Committee Amendment "B" (H-1052) proposed to reduce the amount of the annual transfer from the General Fund undedicated revenue from $15,000,000 to $2,700,000 to support subsidies for the Dirigo Health Program. House Amendment "A" to Committee Amendment "B" was not adopted.

House Amendment "B" to Committee Amendment "A" (H-1074) proposed to incorporate all of the elements of Committee Amendment "B" into Committee Amendment "A". House Amendment "B" to Committee Amendment "A" was not adopted.

House Amendment "C" to Committee Amendment "A" (H-1099) proposed to clarify that the amount of the subsidy received by an individual enrolled in the Dirigo Health Program is not included as income for state income tax purposes or for the purposes of determining eligibility for MaineCare. House Amendment "C" to Committee Amendment "A" was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-632) proposed to incorporate all of the elements of Committee Amendment "B" into Committee Amendment "A". Senate Amendment "A" to Committee Amendment "A" was not adopted.

Senate Amendment "B" to Committee Amendment "A" (S-633) proposed to remove all of the provisions in the majority report and turn the bill into a resolve requiring the creation of the Blue Ribbon Commission To Study Alternative Models for the Dirigo Health Program. The amendment would require the commission to study alternative models, including the formation of a self-administered plan, the establishment of a nonprofit entity, the use of a voucher system and other models. The commission is composed of 11 members, including 4 Legislators, a representative of the Dirigo Health Board of Directors and members representing the interests of employers, health insurance carriers, hospitals, insurance producers and consumers. The amendment requires the commission to report to the First Regular Session of the 123rd Legislature and also authorizes the commission to introduce recommended

legislation. This amendment adds an appropriations and allocations section. Senate Amendment "B" to Committee Amendment "A" was not adopted.

Senate Amendment "C" to Committee Amendment "A" (S-640) proposed to require that the Dirigo Health Self-administered Plan must be approved by the Superintendent of Insurance before the plan may commence operations. The amendment would require that the superintendent determine that the plan will be operated in accordance with sound actuarial principles and has demonstrated compliance with the requirements of the Maine Revised Statutes, Title 24-A, section 6981.

The amendment also proposed to clarify that, after the initial approval of the self-administered plan, the Dirigo Health Board of Trustees must submit its actuarial assumptions to the Superintendent of Insurance annually for the superintendent's review and comment. Senate Amendment "C" to Committee Amendment "A" was not adopted.

LD 1855 **An Act To Establish the Securities Investor Education and Training Fund** **PUBLIC 485**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A MAYO	OTP-AM	H-753

LD 1855 proposed to establish a Securities Investor Education and Training Fund as a dedicated, nonlapsing fund within the Department of Professional and Financial Regulation, Office of Securities to be used for the purposes of securities education and training. The fund would be limited to grant or donation funds, as well as amounts credited to the education and training fund pursuant to designations in consent orders or agreements and court orders or judgments, and would be independent from the operating fund of the Office of Securities.

Committee Amendment "A" (H-753) proposed to clarify that payments made to the Securities Investor Education and Training Fund that are designated in a consent order or consent agreement must result from a multistate investigation or a joint investigation with the federal Securities and Exchange Commission. It also proposed to add an appropriations and allocations section to the bill.

Enacted law summary

Public Law 2005, chapter 485 establishes the Securities Investor Education and Training Fund as a dedicated nonlapsing fund within the Department of Professional and Financial Regulation, Office of Securities to be used for the purposes of securities education and training. The fund must consist of grant or donation funds, as well as amounts credited to the education and training fund pursuant to designations in consent orders or agreements and court orders or judgments that result from a multistate investigation or a joint investigation with the federal Securities and Exchange Commission. The fund is independent from the operating fund for the Office of Securities.

LD 1935 **An Act To Protect Health Insurance Consumers** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted
MARTIN	OTP-AM	MAJ	
BRAUTIGAM	OTP-AM	MIN	

LD 1935 proposed to prohibit insurance carriers from including the costs of the savings offset payment used to support subsidies for the Dirigo Health Program in health insurance premium rates.

Committee Amendment "A" (S-655) is the majority report of the committee and replaced the bill.

Part A of the amendment proposed to do the following.

It requires carriers to certify that the carrier has not included profit from any savings realized by the carrier that were the result of the operation of Dirigo Health and any increased MaineCare enrollment due to an expansion in MaineCare eligibility and to use their best efforts to limit the impact of the savings offset payment on rates.

It reduces the savings offset payment for plan year 2006 to $23,000,000.

It requires Dirigo Health to renegotiate with the carrier contracted to underwrite the Dirigo Health Program for the purpose of reducing the 2006 experience modification payment by $11,000,000.

It requires Dirigo Health to achieve savings of $1.9 million in administrative costs.

Part B of the amendment proposed to create the Blue Ribbon Commission on the Long-term Funding of the Dirigo Health Program to study the Dirigo Health Program and make recommendations on a long-term funding mechanism in an effort to ensure its sustainability. It is the intent of the Legislature that the commission recommend a long-term funding mechanism to replace the savings offset payment as the sole source of funding subsidies for the Dirigo Health Program. The commission is required to submit a report by November 1, 2006 to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters shall report out legislation to address the impact of the savings offset payment on health insurance premium rates.

The amendment also removed the emergency preamble and the emergency clause from the bill and added an appropriations and allocations section. Committee Amendment "A" was initially adopted in the Senate, but failed to be adopted in the House.

Committee Amendment "B" (S-656) is the minority report of the committee and replaced the bill. The amendment proposed to repeal the savings offset payment as a source of funding subsidies for the Dirigo Health Program. The amendment would require that the subsidy program for DirigoChoice enrollees and the Maine Quality Forum, which were funded with the savings offset payment, continue with funding from existing resources of the Dirigo Health Program. The amendment also makes the repeal of the savings offset payment retroactive for plan years beginning on or after January 1, 2006 and requires the Dirigo Health Agency to refund to health insurance carriers, 3rd-party administrators and employee benefit excess insurance carriers any savings offset payments already collected.

The amendment also proposed to establish the Blue Ribbon Commission on Potential Funding Sources for the Dirigo Health Program. The amendment requires the commission to study potential funding sources and make recommendations for a long-term funding source. The commission is required to submit its report by November 1, 2006. The amendment adds an appropriations and allocations section to reflect the costs of the commission to the Legislature.

The amendment also removed the emergency preamble and the emergency clause from the bill. Committee Amendment "B" was not adopted.

House Amendment "A" (H-1117) proposed to make the following changes to the laws governing Dirigo Health.

It prohibits administrators from passing the costs of the savings offset payment to covered individuals. It gives the Superintendent of Insurance authority to provide relief to those administrators that demonstrate the funds available are inadequate.

It requires health insurance carriers and administrators to notify insureds of the savings attributable to the Dirigo Health Program and Public Law 2003, chapter 469.

It clarifies that aggregate measurable cost savings are not limited to bad debt and charity care but rather include all cost savings initiatives contained in Public Law 2003, chapter 469 and further cost savings initiatives adopted and approved by the Board of Directors of Dirigo Health.

It establishes a fixed amount of $35,000,000 as the savings offset payment for plan years beginning January 1, 2006 to December 31, 2006.

It also removes the emergency preamble and emergency clause and adds an appropriations and allocations section. House Amendment "A" was not adopted.

House Amendment "A" to Committee Amendment "A" (H-1090) proposed to direct Dirigo Health to achieve ongoing savings of $200,000 per year beginning fiscal year 2006-07 by implementing an across-the-board reduction in payroll expenses. House Amendment "A" to Committee Amendment "A" was not adopted.

House Amendment "B" to Committee Amendment "A" (H-1091) proposed to require that Dirigo Health apply an asset limit that is 3 times the limits applied by MaineCare to determine eligibility for subsidies in addition to the requirement that an individual's income be at 300% or below the federal poverty level. The amendment would require that the subsidies be applied only to the premium cost for Dirigo Health Program coverage. House Amendment "B" to Committee Amendment "A" was not adopted.

House Amendment "C" to Committee Amendment "A" (H-1092) proposed to require the Office of Program Evaluation and Government Accountability to investigate Dirigo Health's contracting for actuarial services and the expenditure of fees for those services. The office is required to report its findings to the Joint Standing Committee on Insurance and Financial Services no later than October 15, 2006. House Amendment "C" to Committee Amendment "A" was not adopted.

House Amendment "D" to Committee Amendment "A" (H-1093) proposed to prohibit Dirigo Health from using Dirigo Health funds to advertise the existence of Dirigo Health. House Amendment "D" to Committee Amendment "A" was not adopted.

House Amendment "E" to Committee Amendment "A" (H-1094) proposed to require the savings offset payment, as reduced by Committee Amendment "A" to a maximum of $23,000,000, to be transferred to an account administered by the state agency that administers MaineCare and used to provide a state match for federal Medicaid dollars for the costs of paying hospitals in full for services provided under the MaineCare program. The amendment also added an appropriations and allocations section. House Amendment "E" to Committee Amendment "A" was not adopted.

House Amendment "F" to Committee Amendment "A" (H-1095) proposed to repeal the savings offset payment as the source of funding for subsidies for the Dirigo Health Program. House Amendment "F" to Committee Amendment "A" was not adopted.

House Amendment "G" to Committee Amendment "A" (H-1096) proposed to replace the provisions of Committee Amendment "A" with provisions that prohibit insurance carriers from including the costs of the savings offset payment used to support the Dirigo Health Program in health insurance premium rates. House Amendment "G" to Committee Amendment "A" was not adopted.

House Amendment "H" to Committee Amendment "A" (H-1100) proposed to add provisions that prohibit insurance carriers from including the costs of the savings offset payment used to support the Dirigo Health Program in health insurance premium rates to Committee Amendment "A". House Amendment "H" to Committee Amendment "A" was not adopted.

House Amendment "I" to Committee Amendment "A" (H-1105) proposed to strike the provisions of Committee Amendment "A" to L.D. 1935 that govern the savings offset payment for plan years beginning on or after January 1, 2006 to December 31, 2006 and replace them with a provision that states that the savings offset payment for plan years beginning January 1, 2006 to December 31, 2006 must equal a total of $23,000,000 for all health insurance carriers, 3rd-party administrators and employee benefit excess insurance carriers. It also proposed to change the deadline for the Blue Ribbon Commission on the Long-term Funding of the Dirigo Health Program to report to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs from November 1, 2006 to November 15, 2006. House Amendment "I" to Committee Amendment "A" was not adopted.

House Amendment "J" to Committee Amendment "A" (H-1109) proposed to strike the provisions of Committee Amendment "A" to L.D. 1935 that govern the savings offset payment for plan years beginning on or after January 1, 2006 to December 31, 2006 and replace them with a provision that states that the savings offset payment for plan years beginning January 1, 2006 to December 31, 2006 must equal a total of $23,000,000 for all health insurance carriers, 3rd-party administrators and employee benefit excess insurance carriers. It also proposed to specify that the provision may not be construed by a court of law as affirming or not affirming any actions of the Board of Directors of Dirigo Health or the Superintendent of Insurance. It proposed to change the deadline for the Blue Ribbon Commission on the Long-term Funding of the Dirigo Health Program to report to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs from November 1, 2006 to November 15, 2006. House Amendment "J" to Committee Amendment "A" was not adopted.

House Amendment "K" to Committee Amendment "A" (H-1116) proposed to make the following changes to the laws governing Dirigo Health.

It prohibits insurance carriers from including the costs of the savings offset payment used to support the Dirigo Health Program in health insurance premium rates.

It prohibits administrators from passing the costs of the savings offset payment to covered individuals. It gives the Superintendent of Insurance authority to provide relief to those administrators that demonstrate the funds available are inadequate.

It requires health insurance carriers and administrators to notify insureds of the savings attributable to the Dirigo Health Program and Public Law 2003, chapter 469.

It clarifies that aggregate measurable cost savings are not limited to bad debt and charity care but rather include all cost savings initiatives contained in Public Law 2003, chapter 469 and further cost savings initiatives adopted and approved by the Board of Directors of Dirigo Health.

It establishes a fixed amount of $35,000,000 as the savings offset payment for plan years beginning January 1, 2006 to December 31, 2006.

House Amendment "K" to Committee Amendment "A" was not adopted.

Senate Amendment "A" (S-676) proposed to make the following changes to the laws governing Dirigo Health.

It prohibits administrators from passing the costs of the savings offset payment to covered individuals. It gives the Superintendent of Insurance authority to provide relief to those administrators that demonstrate the funds available are inadequate.

It requires health insurance carriers and administrators to notify insureds of the savings attributable to the Dirigo Health Program and Public Law 2003, chapter 469.

It clarifies that aggregate measurable cost savings are not limited to bad debt and charity care but rather include all cost savings initiatives contained in Public Law 2003, chapter 469 and further cost savings initiatives adopted and approved by the Board of Directors of Dirigo Health.

It establishes a fixed amount of $35,000,000 as the savings offset payment for plan years beginning January 1, 2006 to December 31, 2006.

It also removes the emergency preamble and emergency clause and adds an appropriations and allocations section. Senate Amendment "A" was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-698) proposed to incorporate all of the provisions from Committee Amendment "A" to LD 1845 into the bill. The amendment proposed to expand the Dirigo Health Board of Directors from 5 to 9 members and renames it the Board of Trustees of Dirigo Health. The amendment requires that 3 voting members of the board have expertise in accounting, banking, securities or insurance and adds the Treasurer of State as an ex officio, nonvoting member. The amendment clarifies that 5 members of the board constitute a quorum and that an affirmative vote of 5 members is needed for the board to take action. The amendment extends the limitation on personal liability of trustees under the Maine Uniform Trust Code to the trustees of Dirigo Health.

The amendment proposed to permit licensed insurance producers with health authority to sell the Dirigo Health Program insurance products if the producer meets certain training requirements. Additionally, the bill exempts producers from the appointment requirement solely for purposes of selling the Dirigo Health Program insurance products and holds a carrier underwriting Dirigo Health Program coverage harmless from liability for any actions of such producers.

The amendment proposed to give authority to Dirigo Health to provide access to health benefits coverage through the Dirigo Health Self-administered Plan after the board evaluates bids for self-administered and fully insured benefits coverage. If the board makes the decision to provide coverage through a self-administered plan, the amendment requires the board to report to the joint standing committee of the Legislature having jurisdiction over health insurance matters within 30 days of the decision. The amendment also gives the committee the authority to report out legislation relating to the self-administered plan.

If the Dirigo Health Self-administered Plan is established, the amendment would authorize the board to enter into voluntary cooperative agreements with a public purchaser for purchasing and administrative functions only, but requires that the risk pools and reserves of the Dirigo Health Self-administered Plan and any public purchaser not be commingled. The amendment expands the duties and responsibilities of the board with regard to the establishment and ongoing management of the self-administered plan. The amendment requires the board to contract for services from actuaries, investment counsel, financial institutions, 3rd-party administrators and any other organization necessary to administer the plan. The amendment requires an actuary under contract to the board to determine the appropriate level of reserves and administrative costs for the plan and the amount of stop loss insurance necessary, provide opinions regarding the actuarial soundness of the plan, develop a rate structure for the plan and report annually to the board.

The amendment would require the Dirigo Health Self-administered Plan to maintain reserves at least equal to the sum of the amount necessary to pay claims and administrative costs for the assumed risk for 2 1/2 months and the amount determined annually by a qualified actuary to be necessary to fund the unpaid portion of ultimate expected losses and related expenses incurred in the provision of benefits. The amendment requires the reserve account to be adjusted on a quarterly basis and to be capitalized from any initial start-up funds transferred into the account by Dirigo Health, monthly enrollee payments, any funds received from any public or private source, legislative appropriations, payments from any state departments or agencies and any other means approved by the Legislature. The amendment also authorizes the board to purchase excess or stop loss insurance at attachment limits and levels recommended by a qualified actuary and removes the authority to establish a self-administered plan in the event the board is unable to purchase that insurance.

The amendment would require the Dirigo Health Self-administered Plan to meet the same requirements of the Maine Insurance Code that would be required by state law if health benefits coverage were provided by a health insurance carrier for community rating, guaranteed issuance, guaranteed renewal, continuity of coverage and mandated benefits. The amendment also requires that the self-administered plan extend the same benefits, rights and protections of the Maine Revised Statutes, Title 24-A, chapter 56-A and Bureau of Insurance Rule Chapter 850, including a limited right to sue the Dirigo Health Self-administered Plan. The amendment specifically waives the State's defense of immunity under the Maine Tort Claims Act.

Senate Amendment “A” to Committee Amendment “A” was not adopted.

LD 1945 **An Act To Establish a High-risk Health Insurance Pool** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report		Amendments Adopted
TARDY	ONTP	MAJ	
MILLS P	OTP-AM	MIN	

LD 1945 proposed to require the Department of Professional and Financial Regulation, Bureau of Insurance to apply for federal funds that Congress is offering states to create high-risk insurance pools. The bill proposed to repeal the requirement of guaranteed issue for individual health insurance and enact the Comprehensive Health Insurance Risk Pool Association Act. The bill also proposed to require a study of a reinsurance pool for the small group market.

Committee Amendment "A" (H-950) is the minority report of the committee and proposed to make the following changes to the bill.

The amendment broadens the community rating laws to allow carriers to vary premiums on the basis of age within a maximum rate differential on a ratio of 4 to one and on the basis of health status and tobacco use within a maximum rate differential on a ratio of 1.5 to one.

The amendment changes the composition of the board of directors of the high-risk pool by removing the legislative members and adding 2 additional members who are member insurers.

The amendment repeals the community rating law for small group health plans effective January 1, 2009 and enacts in its place provisions governing the rating of small group health plans based on a model act from the National Association of Insurance Commissioners.

The amendment requires the Department of Professional and Financial Regulation, Bureau of Insurance to conduct a study of the State's rate and form filing laws and make recommendations for changes to reduce the costs and resources expended by health insurance carriers seeking regulatory approval of new health insurance products.

The amendment also added an appropriations and allocations section to the bill. Committee Amendment "A" was adopted in the House, but not in the Senate. In the Senate, LD 1945 was ruled not properly before the body.

LD 1990 **An Act To Create the Insurance Fraud Division within the Bureau of Insurance** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	H-924
	ONTP	MIN	

LD 1990 proposed to establish the Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance to investigate acts of insurance fraud. The bill proposed to retain existing statutory provisions requiring insurers to include fraud warnings on insurance applications

and claim forms, to file antifraud plans and to file annual reports with the Superintendent of Insurance. The bill proposed to require persons in the business of insurance with knowledge or suspicion of fraudulent insurance acts to report those to the Superintendent of Insurance.

Committee Amendment "A (H-924) is the majority report of the committee and replaced the bill. The amendment proposed to establish the Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance. The amendment requires insurers with knowledge or suspicion of fraudulent insurance acts to report those activities to the Bureau of Insurance. The amendment provides for the confidentiality of records relating to insurance fraud investigations in a manner similar to the provision of confidentiality under current state law for investigative and intelligence information in the possession of other law enforcement entities. The amendment does permit the Insurance Fraud Division to share investigatory information with certain national and international agencies. The amendment also extends the immunity provision in current law to certain communications between insurers with respect to fraudulent insurance acts.

The amendment also added an appropriations and allocations section to the bill. Committee Amendment "A" was adopted in the Senate, but failed to be adopted in the House.

LD 2014 An Act Protecting Youth from Losing Health Insurance Coverage PUBLIC 532

Sponsor(s)	Committee Report	Amendments Adopted
MAYO PERRY A	OTP-AM	S-512

LD 2014 proposed to require health insurance carriers to continue coverage for dependent children up to 24 years of age who are unable to maintain enrollment in college due to mental or physical illness if the carrier would otherwise terminate coverage under a policy due to a requirement that dependent children of a specified age be enrolled in college to maintain eligibility.

Committee Amendment "A" (S-512) replaced the bill. The amendment proposed to require health insurance carriers that provide coverage to dependent children at certain ages only if the children are students to continue coverage for a student who is unable to remain in school on a full-time basis due to a mental or physical illness or accidental injury. The amendment proposed to permit carriers to require the student to provide written documentation from a health care provider and the student's school that the student is no longer enrolled in school full-time due to a mental or physical illness or accidental injury.

Enacted law summary

Public Law 2005, chapter 532 requires individual and group health insurers that provide coverage to dependent children at certain ages only if the children are students to continue coverage for a student who is unable to remain in school on a full-time basis due to a mental or physical illness or accidental injury. The law permits insurers to require the student to provide written documentation from a health care provider and the student's school that the student is no longer enrolled in school full-time due to a mental or physical illness or accidental injury.

LD 2017 **An Act To Amend the Notice of Risk to Personal Data Act** **PUBLIC 583**

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	H-925
	ONTP	MIN	

LD 2017 proposed to expand to other types of persons and businesses, including colleges and universities, the current requirement that information brokers notify consumers upon a security breach of the consumers' personal information. The bill also would establish a private cause of action for certain violations of the obligation to notify consumers.

The bill also proposed to require the State's Chief Information Officer to develop standards and policies requiring notification by state agencies to Maine residents upon a security breach of personal information.

Committee Amendment "A" (H-925) is the majority report of the committee. The amendment proposed to make the following changes to the bill.

1. It removes the section that permits persons to bring a private cause of action for violations of the notice provisions.
2. It adds language to clarify that if an entity complies with file breach notification requirements established pursuant to federal or Maine law, and if those requirements are at least as protective as the protections granted by this legislation, that entity is deemed to be in compliance with the notification requirements of the bill.

3. It specifies that when a person is required to notify consumer reporting agencies of a security breach, the agencies must be informed of the date of the breach, an estimate of the number of individuals affected by the breach, if known, and the actual or anticipated date that the individuals were or will be notified of the breach.

4. It amends the definition of "person" to include State Government, the University of Maine System, the Maine Community College System and Maine Maritime Academy so that those entities are subject to the notification requirements of the bill. The amendment also exempts those parties from the civil fine provisions of the Maine Revised Statutes, Title 10, section 1349, subsection 2 but leaves them subject to equitable and injunctive remedies.

5. It clarifies that the definition of personal information subject to the notice requirements of the bill after a security breach does not apply to information maintained in 3rd-party claims databases of property and casualty insurance companies.

6. It extends authority to the Attorney General's office with respect to persons not under the jurisdiction of the regulatory agencies within the Department of Professional and Financial Regulation.

7. It requires the Department of Professional and Financial Regulation and the Attorney General to undertake reasonable efforts to inform persons of their responsibilities under this legislation.

8. It delays the effective date of this legislation until January 31, 2007.

House Amendment "A" to Committee Amendment "A" (H-951) proposed to strike the language that indicates that "personal information" does not include "information from 3rd-party claims databases

maintained by property and casualty insurers." House Amendment "A" to Committee Amendment "A" was not adopted.

Enacted law summary

Public Law 2005, chapter 583 extends the current requirement that information brokers notify consumers upon a security breach of the consumers' personal information to other types of persons and businesses, including state government, colleges and universities. The law requires a person who maintains computerized data that includes personal information to notify residents of this State of a security breach if, after a good faith investigation upon becoming aware of a security breach, the person determines that personal information has been misused or it is reasonably possible that misuse will occur. The law provides that if an entity complies with file breach notification requirements established pursuant to federal or Maine law, and if those requirements are at least as protective as the protections granted by the requirements of Public Law 2005, chapter 583, that entity is deemed to be in compliance with the notification requirements of the law.

The law requires that when a person notifies consumer reporting agencies of a security breach, the agencies must be informed of the date of the breach, an estimate of the number of individuals affected by the breach, if known, and the actual or anticipated date that the individuals were or will be notified of the breach. Under current law, persons are required to notify consumer reporting agencies if the security breach requires notification to more than 1,000 persons at a single time.

The law clarifies that the definition of personal information subject to the notice requirements of the law after a security breach does not apply to information maintained in 3rd-party claims databases of property and casualty insurance companies.

The law extends regulatory and enforcement authority to the Attorney General's office with respect to persons not under the jurisdiction of the regulatory agencies within the Department of Professional and Financial Regulation. The law also requires the Department of Professional and Financial Regulation and the Attorney General to undertake reasonable efforts to inform persons of their responsibilities under this legislation.

Public Law 2005, chapter 583 takes effect January 31, 2007.

LD 2021 **An Act To Clarify the Uninsured Motorist Laws** **PUBLIC 591**

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

LD 2021 was submitted by the Joint Standing Committee on Insurance and Financial Services pursuant to Resolve 2005, chapter 100. The bill proposed to clarify the Legislature's intent regarding the uninsured motorist statute in response to the Law Court's decision in Butterfield v. Norfolk and Dedham Mutual Fire Insurance Company, 2004 ME 124, Maine Supreme Judicial Court, September 30, 2004. The bill proposed to clarify that an insurance policy may limit uninsured motorist coverage to the recovery of

damages by an insured person under the policy for bodily injury, sickness or disease, including death, sustained by that insured person.

Committee Amendment "A" (H-870) is the minority report of the committee. The amendment proposed to clarify that an insurance policy must allow for recovery under uninsured motorist coverage for the death of a parent or child of the insured to the extent a person may be legally entitled to recover damages for wrongful death. Committee Amendment "A" was not adopted.

Enacted law summary

Public Law 2005, chapter 591 clarifies the Legislature's intent regarding the uninsured motorist statute in response to the Law Court's decision in Butterfield v. Norfolk and Dedham Mutual Fire Insurance Company, 2004 ME 124, Maine Supreme Judicial Court, September 30, 2004. The law clarifies that an insurance policy may limit uninsured motorist coverage to the recovery of damages by an insured person under the policy for bodily injury, sickness or disease, including death, sustained by that insured person.

LD 2059 **An Act To Allow an Insured To Terminate Life Insurance Coverage under a Policy Owned by Another** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	ONTP	

LD 2059 proposed to allow an insured to request that coverage be cancelled under an individual life insurance policy not owned by the insured if the circumstances establishing the original insurable interest no longer exist. As proposed in the bill, one form of proof of termination of the original insurable interest would be a copy of the final divorce decree of the owner of the policy and the insured.

LD 307 **An Act To Improve Recreational Watercraft Safety** **PUBLIC 536**

Sponsor(s)	Committee Report		Amendments Adopted
WATSON	OTP-AM	MAJ	H-850
	OTP-AM	MIN	
	OTP-AM	MIN	

LD 307 proposed to establish a recreational watercraft training and certificate program to promote the safe operation of watercraft in the waters of the State.

Committee Amendment "A" (H-850) proposed to prohibit a person 16 years of age or older and under 18 years of age from operating a personal watercraft unless that person has a person 18 years of age or older physically on the watercraft during operation or that person possesses proof of age and proof of having completed a boater safety course. This requirement would take effect January 1, 2007.

The amendment also proposed to direct the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to work together and with interested parties to study the feasibility of developing a statewide boater safety education program. The commissioners would be required to report their findings and recommendations to the Joint Standing Committee of Inland Fisheries and Wildlife and the Joint Standing Committee of Marine Resources by February 1, 2007.

Committee Amendment "B" (H-851) proposed to allow a person who is 15 years of age to operate a personal watercraft if that person had successfully completed a boater safety education course provided by the Department of Inland Fisheries and Wildlife or an organization approved by the Commissioner of Inland Fisheries and Wildlife.

Committee Amendment "C" (H-852) proposed to prohibit a person 16 years of age or older and under 18 years of age from operating a personal watercraft unless that person possessed on that person proof of age and proof of having completed a boater safety education course. It proposed to have this requirement take effect January 1, 2007.

Enacted law summary

Public Law 2005, chapter 536, beginning January 1, 2007, prohibits a person 16 or 17 years of age from operating a personal watercraft unless:

1. That person is accompanied on the personal watercraft by someone at least 18 years of age; or

2. That person while operating the personal watercraft possesses identification showing proof of age and proof of successful completion of an approved boater safety education course.

Public Law 2005, chapter 536 also directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to work together and with other interested parties to study the feasibility of developing a statewide boater safety education program and to report back their findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources by February 1, 2007.

LD 354 **An Act To Give Moose Permits to Members of the Wesget-Sipu Organization** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	ONTP	

LD 354 proposed to require the Commissioner of Inland Fisheries and Wildlife to issue a moose permit to every member of the Wesget-Sipu organization who requested a moose permit.

LD 477 **Resolve, To Direct the Department of Inland Fisheries and Wildlife To Determine the Feasibility of Integrating Certain Moose Management Practices between Tribal and Nontribal Lands** **RESOLVE 131**

Sponsor(s)	Committee Report	Amendments Adopted
MOORE F	OTP-AM	H-743

LD 477 proposed to establish a tribal sustenance moose hunting permit that would allow members of certain tribes to hunt moose on land owned by the State. It would require the Commissioner of Inland Fisheries and Wildlife to adopt rules to administer the permits and to protect the moose resource.

Committee Amendment "A" (H-743) proposed to direct the Department of Inland Fisheries and Wildlife to work with tribal members to determine the feasibility of providing moose hunting permits for use on nontribal lands. It would direct the department to report its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 17, 2007 and would authorize the committee to report out legislation to the First Regular Session of the 123rd Legislature.

Enacted law summary

Resolve 2005, chapter 131 directs the Department of Inland Fisheries and Wildlife to work with tribal members to determine the feasibility of providing moose hunting permits to tribal members for use on nontribal lands without jeopardizing the State's moose management goals. Among other things it requires the department to consider authorizing the use of tribally issued moose permits on non-tribal lands and the issuance of moose permits by the department to tribal members. Resolve 2005, chapter 131 also directs the department to report its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 17, 2007 and authorizes that committee to report out legislation to the First Regular Session of the 123rd Legislature.

LD 1695 **An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Allow the Operation of Snowmobiles Registered outside the State at Special Events Occurring in the State** **PUBLIC 465 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-435

LD 1695 proposed to correct an error that was made when Public Law 2005, chapter 456 removed the authority granted to the Commissioner of Inland Fisheries and Wildlife by Public Law 2005, chapter 1 to allow the operation of snowmobiles registered outside the State at special events occurring in the State.

Committee Amendment "A" (S-435) would restructure the bill to conform to the newly recodified Maine Revised Statutes, Title 12, Part 13.

Enacted law summary

Public Law 2005, chapter 465 corrects an error that was made when Public Law 2005, chapter 456 removed the authority granted to the Commissioner of Inland Fisheries and Wildlife by Public Law 2005, chapter 1 to allow the operation of snowmobiles registered outside the State at special events occurring in the State.

Public Law 2005, chapter 465 was enacted as an emergency measure effective February 1, 2006.

LD 1704 **An Act To Amend the Laws Governing the Archery Hunting Season** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WHEELER STRIMLING	ONTP	

LD 1704 proposed to allow an expanded archery deer hunting season for deer in areas that are closed to firearm hunting and also proposed to allow the taking of 2 deer during the expanded archery deer hunting season, one antlered deer and one antlerless deer.

LD 1724 **An Act To Control Alcohol in the Maine Woods** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JOY	ONTP	

LD 1724 proposed to prohibit a person from hunting wild animals or wild birds while carrying intoxicating liquor.

LD 1725 **An Act To Enhance the Integrity of the Moose Lottery** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MOODY	ONTP	

LD 1725 proposed to require the Commissioner of Inland Fisheries and Wildlife to review annually the rules concerning moose hunting and the moose hunting lottery to ensure that the lottery is applied fairly.

LD 1813 **An Act To Allow Smelt Dipping in Mud Brook in Aroostook County** **PUBLIC 547**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH W	OTP-AM MAJ	H-806
MARTIN	ONTP MIN	S-524 BRYANT B

LD 1813 proposed to allow the continuation of smelt dipping after 2005 in Long Lake in Aroostook County. The law authorizing smelt dipping in Long Lake expired on December 31, 2005.

Committee Amendment "A" (H-806) proposed to limit fishing for smelt with a dip net to a tributary of Long Lake called Mud Brook and would sunset this provision on January 1, 2008.

Senate Amendment "A" to Committee Amendment "A" (S-524) proposed to change the repeal date from January 1, 2008 to July 1, 2009.

Enacted law summary

Public Law 2005, chapter 547 allows a person to harvest no more than two quarts of smelt per day with a dip net from Mud Brook, a tributary of Long Lake in Aroostook County. It prohibits the harvest of smelt from Mud Brook for commercial purposes. Public Law 2005, chapter 547 is repealed on July 1, 2009.

LD 1819 **An Act To Protect Volunteer-earned Funds of the Maine Wildlife Park** **PUBLIC 504**

Sponsor(s)	Committee Report	Amendments Adopted
AUSTIN	OTP-AM	H-778
TURNER		

LD 1819 proposed to prohibit the use of volunteer-earned funds of the Maine Wildlife Park to reduce overall state funding of the park.

Enacted law summary

Public Law 2005, chapter 504 provides that volunteer-earned funds of the Maine Wildlife Park may not be used to reduce overall state funding of the park.

LD 1824 **An Act To Improve Water Skiing Safety** **ONTP**

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

LD 1824 proposed to allow the use of a rear-view wide-angle mirror in lieu of an observer on a boat that is towing a person on water skis.

Committee Amendment "A" (H-829) proposed to provide a civil penalty for failing to have either an observer on board or a rear-view wide-angle mirror when towing a person on water skis or a similar device.

LD 1832 **An Act To Prevent the Introduction of Pathogens into the State That Threaten the Health of Maine's Fish and Wildlife Resources** **PUBLIC 470 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	OTP-AM	H-742
PERRY J		

LD 1832 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to adopt rules to prohibit the transportation into the State of white-tailed deer, mule deer, elk, moose, caribou or any member of the deer family taken from a commercial hunting area in order to protect Maine's deer and moose population from chronic wasting disease.

Committee Amendment "A" (H-742) proposed to authorize the Commissioner of Inland Fisheries and Wildlife to adopt rules to prevent the introduction of pathogens into the State that pose a significant risk to Maine's fish and wildlife resources.

Enacted law summary

Public Law 2005, chapter 470 authorizes the Commissioner of Inland Fisheries and Wildlife to adopt rules to prevent the introduction of pathogens into the State that pose a significant risk to Maine's fish and wildlife resources.

Public Law 2005, chapter 470 was enacted as an emergency measure effective February 17, 2006.

LD 1877 **An Act To Protect the Water Quality of Colcord Pond and Bickford Pond in Porter** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MUSE	ONTP	

LD 1877 proposed to prohibit the use of personal watercraft on Colcord Pond and Bickford Pond in the Town of Porter.

LD 1895 **Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife To Increase the Number of Moose Permits** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	ONTP	

LD 1895 proposed to direct the Commissioner of Inland Fisheries and Wildlife to amend the moose hunting rules to increase the number of moose permits available through the lottery by 500.

LD 1896 **An Act To Make License Requirements and Rules Consistent for Young Anglers** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M BRYANT B	OTP-AM	H-781

LD 1896 proposed to allow nonresidents who are under 16 years of age to fish without a fishing license as is currently permitted for residents less than 16 years of age. This bill would conform with the Department of Inland Fisheries and Wildlife's efforts to make rules for fishing consistent.

Committee Amendment "A" (H-781) proposed to make a technical correction and make the bill effective on January 1, 2007.

LD 1922 **An Act To Amend the Laws Governing All-terrain Vehicles** **DIED BETWEEN BODIES**

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

LD 1922 proposed to provide an exception to that requirement for a situation in which the person has a deeded right-of-way to the land and that person is obligated to maintain the right-of-way. Under current

law, a person may not operate an ATV on the land of another without the express permission of the landowner or lessee.

Committee Amendment "A" (S-494) proposed to clarify that provisions in the Maine Revised Statutes, Title 12, section 13157-A requiring landowner permission before operating an ATV on that landowner's property may not be construed to affect the lawful rights of a person holding an easement or right-of-way over the land of another.

LD 1939 **An Act To Revise Certain Fish and Wildlife Laws** **PUBLIC 477 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B WATSON	OTP-AM	S-446

LD 1939 proposed to make the following changes to fisheries and wildlife laws:

1. Change the State Government Evaluation Act review for the Department of Inland Fisheries and Wildlife from 2005 to 2007;

2. Change the penalty for taking an antlerless deer in Washington County without a permit from a Class E crime to a Class D crime and to increase the fine to a mandatory minimum fine of $1,000 and at least 3 days in jail;

3. Clarify where a person can fish around fishways on East Grand Lake Dam and Spednic Lake Dam;

4. Clarify that the prohibition on possessing, selling or transporting an endangered or threatened species would apply to the parts of those species;

5. Provide a resident disabled veteran a complimentary migratory waterfowl permit, a bear hunting permit and a guide license if that veteran meets the qualifications for a guide license under the Maine Revised Statutes, Title 12;

6. Clarify that a person may not fish with more than 3 unbaited artificial flies individually attached to a line or hook;

7. Add snowmobiles and all-terrain vehicles to the provision of law regarding the admissibility in court of hospital test results when a person has been involved in an accident while operating a motor vehicle or watercraft under the influence;

8. Add .17 caliber firearms to the law prohibiting the use of .22 caliber firearms for hunting deer and moose;

9. Remove Long Lake Wildlife Management Area in Aroostook County from the list of designated wildlife management areas; and

10. Clarify that certain existing laws pertaining to hunting also apply to hunting with crossbows.

C**ommittee Amendment "A" (S-446)** proposed to allow a super pack licensee to harvest one deer during either the open firearm season or the special archery season or the special muzzle-loading season and one antlerless deer as provided by the license provisions. Currently, the holder of a super pack license may take 2 deer, one deer during the regular open firearm season only and one antlerless deer as provided by the license provisions. It would also make changes to certain ice fishing provisions in accordance with MCJUSTIS.

Enacted law summary

Public Law 2005, chapter 477 does the following:

1. It changes the State Government Evaluation Act review for the Department of Inland Fisheries and Wildlife from 2005 to 2007;

2. It changes the penalty for taking an antlerless deer in Washington County without a permit from a Class E crime to a Class D crime and increases the fine to a mandatory minimum fine of $1,000 and at least 3 days in jail;

3. It clarifies where a person can fish around fishways on East Grand Lake Dam and Spednic Lake Dam;

4. It clarifies that the prohibition on possessing, selling or transporting an endangered or threatened species includes the parts of those species;

5. It provides a resident disabled veteran a complimentary migratory waterfowl permit, a bear hunting permit and a guide license if that veteran meets the qualifications for a guide license under the Maine Revised Statutes, Title 12;

6. It clarifies that a person may not fish with more than 3 unbaited artificial flies individually attached to a line or hook;

7. It adds snowmobiles and all-terrain vehicles to the provision of law regarding the admissibility in court of hospital test results when a person has been involved in an accident while operating a motor vehicle or watercraft under the influence;

8. It adds .17 caliber firearms to the law prohibiting the use of .22 caliber firearms for hunting deer and moose;

9. It removes Long Lake Wildlife Management Area in Aroostook County from the list of designated wildlife management areas;

10. It clarifies that certain existing laws pertaining to hunting also apply to hunting with crossbows;

11. It allows a super pack licensee to harvest one deer during either the open firearm season or the special archery season or the special muzzle-loading season and one antlerless deer as provided by the license provisions. Prior to Public Law 2005, chapter 477, the holder of a super pack license could take 2 deer; one deer during the regular open firearm season only and one antlerless deer as provided by the license provisions; and

12. It makes changes to certain ice fishing provisions in accordance with MCJUSTIS.

Public Law 2005, chapter 477 was enacted as an emergency measure effective March 8, 2006.

LD 1967 **An Act To Support Fishing Derbies** **PUBLIC 495 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND PLUMMER	OTP-AM	S-463

LD 1967 proposed to increase from $25,000 to $100,000 the maximum total value of prize money for a fishing derby that is held in conjunction with the Department of Inland Fisheries and Wildlife's fisheries management objectives.

Committee Amendment "A" (S-463) proposed to restrict the location of a derby where the maximum total value of prizes is $100,000 to Sebago Lake in Cumberland County.

Enacted law summary

Public Law 2005, chapter 495 increases from $25,000 to $100,000 the maximum total value of prize money for a fishing derby that is held on Sebago Lake in Cumberland County and is conducted in conjunction with the Department of Inland Fisheries and Wildlife's fisheries management objectives.

Public Law 2005, chapter 495 was enacted as an emergency measure effective March 16, 2006.

LD 2050 **Resolve, To Allow the Department of Inland Fisheries and Wildlife To Convey a Part of a Parcel of Land in the Town of Fairfield** **RESOLVE 179**

Sponsor(s)	Committee Report	Amendments Adopted
FINCH	OTP-AM	H-922

LD 2050 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to convey a parcel of land in the Town of Fairfield.

Committee Amendment "A" (H-922) proposed to provide that the land may be sold for the appraised fair market value.

Enacted law summary

Resolve 2005, chapter 179 authorizes the Commissioner of Inland Fisheries and Wildlife to convey a parcel of land in the Town of Fairfield for the appraised fair market value.

LD 2057 **An Act To Implement the Recommendations of the ATV Trail Advisory Council** **PUBLIC 626**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-947

LD 2057 proposed to implement certain recommendations of the ATV Trail Advisory Council report as follows.

1. It would set the ATV registration fee at $60 for both residents and nonresidents, except that the fee is $30 if the applicant belongs to a Maine nonprofit organization that is recognized by the Department of Conservation as an organization that maintains ATV trails. The current ATV registration fee is $33 for residents and $68 for nonresidents.

2. It would provide the Commissioner of Inland Fisheries and Wildlife with the discretion to suspend all licenses and permits issued by the department for at least one year for certain violations of ATV laws. Current law mandates the suspension of licenses and permits for such violations.

3. It would raise the age limit for a person who must take an ATV safety course before operating an ATV from 16 to 19 years of age and require a person less than 14 years of age to be accompanied by an adult even after the completion of the training course.

4. It would lower the age at which a person may cross a public way with an ATV from 16 to 14 years of age to make this provision consistent with snowmobile laws.

5. It would provide that an ATV could be operated on a public way for up to 500 yards if it could be done safely and without interfering with traffic approaching from either direction. Current law allows the operation of an ATV for up to 300 yards under certain conditions.

Committee Amendment "A" (H-947) proposed to do the following:

1. It would remove the provisions from the bill regarding ATV registration fees;

2. It would remove provisions of the bill that would amended the law regarding the training and age requirements for operating an ATV;

3. It would give the Commissioner of Inland Fisheries and Wildlife the discretion to suspend all licenses, permits and registrations issued under the Maine Revised Statutes, Title 12, Part 13 for operating an ATV on a temporarily closed trail or on the land of another without permission. If licenses and registrations were suspended, it would be for a period of at least 90 days;

4. It would require the Commissioner of Inland Fisheries and Wildlife to suspend for at least one year all licenses, permits and registrations issued pursuant to Title 12, Part 13 for ATV violations involving the abuse of another's property, operating an ATV under the influence under 21 years of age, operating an ATV to endanger, the reckless operation of an ATV or failing to stop for an officer; and

5. It would create 4 part-time positions in the Department of Conservation to help with ATV club and trail development and landowner communications.

House Amendment "A" to Committee Amendment "A" (H-961) proposed to raise the age limit for a person who must take an ATV safety course before operating an ATV from 16 to 19 years of age and would require a person under 14 years of age to be accompanied by an adult even after the completion of the training course.

It would also lower the age at which a person may cross a public way with an ATV from 16 to 14 years of age to make this provision consistent with snowmobile laws.

Senate Amendment "A "to Committee Amendment "A" (S-564) proposed to raise the age limit for a person who must take an ATV safety course before operating an ATV from 16 to 19 years of age and would require a person under 14 years of age to be accompanied by an adult even after the completion of the training course.

It would also lower the age at which a person may cross a public way with an ATV from 16 to 14 years of age to make this provision consistent with snowmobile laws.

Enacted law summary

Public Law 2005, chapter 626 implements certain recommendations of the ATV Trail Advisory Council report as follows.

1. It gives the Commissioner of Inland Fisheries and Wildlife the discretion to suspend all licenses, permits and registrations issued under the Maine Revised Statutes, Title 12, Part 13 for operating an ATV on a temporarily closed trail or on the land of another without permission. If licenses and registrations are suspended, it must be for a period of at least 90 days;

2. It requires the Commissioner of Inland Fisheries and Wildlife to suspend for at least one year all licenses, permits and registrations issued pursuant to Title 12, Part 13 for ATV violations involving the abuse of another's property, operating an ATV under the influence under 21 years of age, operating an ATV to endanger, the reckless operation of an ATV or failing to stop for an officer;

3. It creates 4 part-time positions in the Department of Conservation to help with ATV club and trail development and landowner communications; and

4. It provides that an ATV may be operated on a public way for up to 500 yards if it can be done safely and without interfering with traffic approaching from either direction. Current law allows the operation of an ATV for up to 300 yards under certain conditions.

LD 2066 **Resolve, Regarding Legislative Review of Portions of Chapter 1.03: Waters of Special Significance, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife** **RESOLVE 172**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2066 proposed to provide for legislative review of portions of Chapter 1.03: Waters of Special Significance, a major substantive rule of the Department of Inland Fisheries and Wildlife.

Enacted law summary

Resolve 2005, chapter 172 authorizes the Department of Inland Fisheries and Wildlife to adopt proposed major substantive rules, Chapter 1.03: Waters of Special Significance, regarding the designation and management of brook trout waters.

LD 61 **An Act To Authorize a Judge To Order Involuntary Commitment of a Person with Mental Illness Not Taking Prescribed Medication** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	ONTP	

LD 61 is a concept draft pursuant to Joint Rule 208.

The bill proposed to amend the emergency application procedures for involuntary commitment under the laws governing the Department of Health and Human Services. Under the bill, if a person with mental illness is under the care of a health care professional and is under a current prescription for medication to address the mental illness, a judge could order involuntary commitment if the person is not taking the medication.

See LD 151, Health and Human Services Committee.

LD 162 **An Act To Protect the Rights of Leaseholders and Ensure Their Continued Access to Land** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK DAVIS P	ONTP	

LD 162 proposed to allow a lessee the right of first refusal to continue leasing a parcel of land when the land is transferred to a different owner and the new owner intends to continue leasing the land.

See also LD 1646.

LD 816 **An Act To Replace the Common Enemy Rule with Regard to Changing the Flow of Surface Water** **PUBLIC 564**

Sponsor(s)	Committee Report	Amendments Adopted
ANDREWS	OTP-AM	S-542

LD 816 proposed to classify as a nuisance the act of draining or reversing the direction of the water of a river, stream, pond or aquifer from its natural course or state to the injury or prejudice of others. Similar to the nuisance of unlawfully diverting water from its natural course, a person who is aggrieved by the unlawful draining or changing of the direction of water would be able to maintain a civil action against the person causing the nuisance.

Committee Amendment "A" (S-542) proposed to replace the bill and changes the title. It proposed to change the applicable rule governing alteration of surface water flow that affects another person's land from the "common

enemy rule" to the "reasonable use rule." It proposed to establish as a nuisance the unreasonable use of a person's land that results in the altering of the flow of surface water that unreasonably injures another's land or that unreasonably interferes with the reasonable use of another's land.

Enacted law summary

Public Law 2005, chapter 564 changes the applicable rule governing alteration of surface water flow that affects another person's land. Existing Maine case law applies the "common enemy rule" to define a landowner's responsibility for altering the flow of surface water, also known as "diffuse surface water," that affects another's land. Chapter 564 adopts the "reasonable use rule;" it establishes as a nuisance the unreasonable use of a person's land that results in the altering of the flow of surface water that unreasonably injures another's land or that unreasonably interferes with the reasonable use of another's land. An action must be commenced within 3 years after the cause of action accrues. Chapter 564 takes effect January 1, 2007 and applies to actions for which the cause of action accrues on or after that date.

LD 986 **An Act To Amend the Maine Revised Uniform Limited Partnership Act** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS SIMPSON	ONTP	

LD 986 is a concept draft pursuant to Joint Rule 208. It proposed to make changes to the Maine Revised Uniform Limited Partnership Act of the Maine Revised Statutes, Title 31, chapter 11.

See LD 1609, to which the Uniform Limited Partnership Act was added as part of the Committee Amendment.

LD 1045 **An Act Regarding Contract Indemnification** **ONTP**

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

LD 1045 proposed to prohibit certain indemnification agreements by which a contracting party indemnifies itself from its own negligence or willful misconduct.

Committee Amendment "A" (S-514), the minority report of the Joint Standing Committee on Judiciary, proposed to replace the bill but maintain the purpose of prohibiting certain indemnification agreements in construction and related contracts, but only when the agreement would indemnify the promisee against liability for certain damages arising solely from the negligence or willful misconduct of the promisee or the promisee's agents, servants or independent contractors. The amendment proposed to clarify that the parties would not be prohibited from agreeing that the promisee must be included as an insured or an additional insured in an insurance contract.

LD 1177 **An Act To Limit the Early Release of Persons Convicted of Certain Crimes** **PUBLIC 464**

Sponsor(s)	Committee Report	Amendments Adopted
WOODCOCK	OTP-AM	S-428

LD 1177 proposed to require that before a person who has been found not criminally responsible for the crime of murder or a Class A crime by reason of mental disease or mental defect may be released from institutional commitment, the Department of Health and Human Services must identify the level of supervision needed to ensure that the person takes any medication as prescribed and complies with any other conditions of release. The bill also proposed to require that the court order for release direct the Department of Health and Human Services to provide the necessary level of supervision.

Committee Amendment "A" (S-428) proposed to replace the bill. The amendment proposed changes consistent with Public Law 2005, chapter 263, which amended the laws to describe the defense of not criminally responsible by reason of insanity. The amendment proposed that when the head of the institution in which the person is placed determines that the person may be released, the annual report must include a statement describing the supervision that would be necessary for the release, including the monitoring of the taking of psychoactive medication. If the court orders the person to be released, the amendment proposed that the court order must include the details of the supervision the department will provide, specifically including the measures the department will take to provide psychoactive medication monitoring.

Enacted law summary

Public Law 2005, chapter 464 addresses the proposed release of a person found not criminally responsible of murder or a Class A crime by reason of insanity. When the head of the institution in which the person is placed determines that the person may be released, the annual report must include a statement describing the supervision that would be necessary for the release. Chapter 464 requires the monitoring of psychoactive medication. The report provided to the Commissioner of Health and Human Services, which is then forwarded to the court, must contain details of the supervision the Department of Health and Human Services will provide, specifically including measures the department will take to provide psychoactive medication monitoring. If the court orders the person to be released, the order that provides for the release of the person must include the details of the supervision the department will provide, specifically including the measures the department will take to provide psychoactive medication monitoring.

LD 1203 **An Act To Amend the Laws Concerning Eminent Domain** **PUBLIC 642**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER CROSBY	OTP-AM	S-609

LD 1203 proposed to require the Department of Transportation to pay 110% of the appraised value of property taken by eminent domain. It proposed to direct the Commissioner of Transportation and the Commissioner of Economic and Community Development to convene a working group to develop recommendations to assist businesses that are displaced due to eminent domain acquisitions.

Committee Amendment "A" (S-120) proposed to add an appropriations and allocations section to the bill. (Report of the Joint Standing Committee on Transportation in 2005; not adopted)

Committee Amendment "B" (S-609) proposed to replace the bill. It proposed to increase reimbursement of search expenses for businesses, increase expenses necessary to reestablish a farm, nonprofit organization or small business, and increase the maximum fixed payment for business and farm displacements when the property is taken by eminent domain by the Department of Transportation or a municipality. It also proposed to apply to municipalities the same relocation and reimbursement provisions concerning residential takings that currently apply to the Department of Transportation when residential property is taken.

The amendment proposed to require the Department of Transportation to examine the criteria currently used to determine in lieu payments rather than actual relocation costs, compile information and determine consequences should another formula be adopted. The amendment proposed to require the department to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2007. The committee may report out legislation to the 123rd Legislature.

The amendment proposed to add a mandate preamble and an appropriations and allocations section.

See also LD 1297, LD 1870 and LD 1904.

Enacted law summary

Public Law 2005, chapter 642 increases the amount of reimbursement from $1,000 to $2,500, consistent with federal changes, paid by the Department of Transportation to a business for actual reasonable expenses for searching for a replacement when the property is taken through eminent domain. It also increases the maximum reimbursement for expenses necessary to reestablish a farm, nonprofit organization or small business from a maximum of $10,000 to a maximum of $20,000, consistent with federal changes. The maximum fixed payment for business and farm displacements is increased from $20,000 to $100,000. Chapter 642 applies the same reimbursement and displacement payment responsibilities to municipalities when exercising eminent domain authority under the general authorization and for economic development purposes.

Chapter 642 applies to municipalities the same relocation and reimbursement provisions concerning residential takings that currently apply to the Department of Transportation when municipalities exercise eminent domain authority under the general authorization and for economic development purposes.

The Department of Transportation is required to examine the criteria currently used to determine in lieu payments rather than actual relocation costs. The department shall compile information from January 1, 2004 to the present, and determine consequences that would result from changing the criteria to a net operating income basis or other formulation. The department shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2007. The committee may report out legislation to the 123rd Legislature.

LD 1229 **An Act To Strengthen the Enforcement of Divorce Decrees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCKENNEY	ONTP	

LD 1229 proposed to enhance the sanctions available for violations of parental rights and responsibilities orders, particularly concerning contact between the child and the parent who does not provide the primary residence of

the child. The bill also proposed to direct the Governor to designate an appropriate state agency to develop a parenting time enforcement program. The agency would be authorized to seek other funding, including federal grants, to develop, implement, monitor and evaluate the program. The bill is modeled on a similar program in Colorado.

LD 1288 **An Act To Reduce Costs and Improve Efficiency of the Maine Criminal Justice System** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS CLUKEY	ONTP	

LD 1288 proposed to require the State Court Administrator to provide for the transposition of all criminal records of Maine courts to electronic format by July 1, 2006. Thereafter, a criminal record made by a court would be transposed to electronic format within one week of the making of the record. The administrator would be required to make these electronic court records available to the public.

LD 1296 **Resolve, To Create the Human Trafficking Task Force** **RESOLVE 200 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM	H-864 S-534 HOBBINS

LD 1296 was a concept draft pursuant to Joint Rule 208. It proposed to enact 2 types of legislative initiatives to combat the trafficking of human beings across borders and into the State for sexual and labor exploitation. It proposed criminal statutes and a study commission.

Committee Amendment "A" (H-864) proposed to replace the bill with a resolve. It proposed to create the Human Trafficking Task Force, with the direction to propose criminal statutes. The amendment, based on the concept draft description of the bill, proposed that the task force also review current programs and services for victims of human trafficking, collect research and information on trafficking victims and evaluate approaches to increasing public awareness, review legislation concerning "bride trafficking" and "international matchmaking organizations," address the reduction of barriers faced by victims of trafficking who may seek assistance and make recommendations on methods to provide a coordinated system of support to persons who are victims of trafficking.

Senate Amendment "A" to Committee Amendment "A" (S-534) proposed to expand the membership of the task force from 11 to 12 members. It proposed to provide that one member will represent providers of services and support for survivors of domestic violence, and another member will represent providers of services and support for survivors of sexual assault. The amendment also proposed a change in the appropriations and allocations section.

Enacted law summary

Resolve 2005, chapter 200 creates the Human Trafficking Task Force and directs it to propose criminal statutes. The task force will also review current programs and services for victims of human trafficking, collect research and information on trafficking victims and evaluate approaches to increasing public awareness, review legislation concerning "bride trafficking" and "international matchmaking organizations," address the reduction of barriers faced by victims of trafficking who may seek assistance and make recommendations on methods to provide a coordinated system of support to persons who are victims of trafficking. The task force must seek outside funding. The task force shall report no later than November 30, 2006 and may submit legislation.

Resolve 2005, chapter 200 was passed as an emergency measure effective April 28, 2006.

LD 1297 **An Act To Provide Just Compensation for Established Businesses During Eminent Domain Proceedings** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT-DESCHENE	ONTP	

LD 1297 proposed to provide that in certain eminent domain proceedings, established businesses are entitled to compensation for the loss of business profits and income resulting from the taking of the land that is the subject of the eminent domain proceedings.

See also LD 1203, LD 1870 and LD 1904.

LD 1372 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLETT HASTINGS	ONTP	

LD 1372 proposed to amend the Constitution of Maine to enact a Victims' Bill of Rights, designed to ensure specific rights for victims of crime.

LD 1455 **An Act To Codify Public Records Exceptions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 1455 proposed to meet the requirements of Public Law 2003, chapter 709, section 9. The bill proposed to lists statutes that by designating records or information as confidential remove the records or information from the

definition of "public record" in the freedom of access laws. The statutes would be listed according to the purpose for which the information is collected, used or maintained.

See LD 2111.

LD 1518 **An Act To Increase Access to Justice in Maine's Court System** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON J EDMONDS	OTP-AM	H-620

LD 1518 proposed to establish, in Part A, the Consumer and Commercial Division pilot project within the Maine court system beginning January 1, 2006. The proposed purpose of this division is to administer and resolve disputes regarding issues related to business activity in a coordinated, responsive and speedy manner and to afford convenient and timely access for consumers, entrepreneurs, attorneys and any other party involved with business activity. Under the pilot project, the small claims division would be under the jurisdiction of the Consumer and Commercial Division in an attempt to streamline resolution of matters currently heard by it.

Part B of the bill proposed to establish the Consumer and Commercial Division Steering Committee. The steering committee would function as a partnership between the legislative and judicial branches of government. The steering committee, with membership reflecting a spectrum of interests, was proposed to work to develop proposals to implement this new project, determine relevant measurable outcomes and determine other areas of technology or infrastructure that could add additional efficiencies throughout Maine courts.

Committee Amendment "A" (H-620) proposed to replace the bill. Part A of the amendment proposed to establish the Business and Consumer Specialized Civil Docket pilot project within the Maine court system beginning January 1, 2006.

This pilot project was intended to assist all litigants, regardless of area of law, in finding prompt resolution of matters before the Court. The proposed purpose of this pilot project was to provide resources for improved administration and resolution of disputes concerning issues related to business activity in a coordinated, responsive and speedy manner and to afford convenient and timely access to justice for consumers, entrepreneurs, attorneys and any other parties involved with business activity while maintaining appropriate access to justice for litigants in cases of all types. The amendment also proposed resources to enhance the courts' response to intermediate business and consumer matters and small claims cases.

Part B of the amendment proposed to establish the Business and Consumer Specialized Civil Docket Advisory Committee. The advisory committee was designed to function as a partnership between the legislative and judicial branches of government. The advisory committee's proposed purpose is to make recommendations to the Supreme Judicial Court. The advisory committee, with membership reflecting a spectrum of interests, was proposed to work to develop proposals to implement the new pilot project, determine relevant measurable outcomes and determine other areas of technology or infrastructure that could add additional efficiencies throughout Maine courts. (Committee Amendment "A" was not adopted.)

LD 1518 as amended was carried over to the Second Regular Session on the Special Appropriations Table. The positions and funding supporting the Business and Consumer Specialized Civil Docket were included in the Supplemental Budget, LD 1968, Public Law 2005, chapter 519, Part JJJ.

LD 1526 **An Act To Enact the Uniform Parentage Act and Conforming Amendments and Additional Amendments to Laws Concerning Probate, Adoption, Child Support, Child Protection and Other Family Law Issues** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 1526 proposed to do the following:

PART A

Part A of this bill proposed to enact the Maine version of the Uniform Parentage Act. Separate Maine comments were included to explain deviations from the uniform act.

PART B

Part B proposed to contain amendments to the Maine Revised Statutes, Title 4 and Title 19-A provisions concerning paternity and child support to make them consistent with the Uniform Parentage Act.

PART C

Part C proposed to amend the intestate succession provisions of the Probate Code so that children would inherit from parents as recognized in the Uniform Parentage Act and parents recognized by the Uniform Parentage Act would inherit from their children.

PART D

Part D of the bill proposed to amend the adoption laws, guardianship laws and child protection laws to be consistent with the Uniform Parentage Act.

PART E

Part E proposed to make cross-reference changes.

LD 1569 **An Act To Abolish the Maine Indian Tribal-State Commission** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MOORE F	ONTP	

LD 1569 proposed to abolish the Maine Indian Tribal-State Commission and proposed to create in its place the Intergovernmental Tribal-State Board. The board would have the same responsibilities that the Maine Indian Tribal-State Commission was assigned under the Act to Implement the Maine Indian Claims Settlement. The legislative members would not participate in rule-making functions of the board.

The bill would not take effect until approved by the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians.

LD 1609 **An Act To Establish the Uniform Partnership Act and the Uniform Limited Partnership Act** **PUBLIC 543**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	OTP-AM	S-506

LD 1609 proposed to repeal the existing Uniform Partnership Act and enact the Revised Uniform Partnership Act of 1997 (RUPA) as the new Uniform Partnership Act.

Committee Amendment "A" (S-506) proposed to add to the bill the Uniform Limited Partnership Act, adopted by the National Conference of Commissioners on Uniform State Laws in 2001. The amendment was proposed to take the place of L.D. 986, which is a concept draft. The amendment proposed to add the Uniform Limited Partnership Act as Part C and the respective conforming amendments and cross-references as Part D. A Maine Comment is included when necessary to explain a deviation from the Uniform Limited Partnership Act.

The amendment proposed to revise the conversion language in the Uniform Partnership Act.

The amendment proposed to set the effective date for the Uniform Partnership Act, the Uniform Limited Partnership Act and all the conforming amendments as July 1, 2007.

Enacted law summary

Public Law 2005, chapter 543 repeals the existing Uniform Partnership Act and enacts the Revised Uniform Partnership Act of 1997 (RUPA) as the new Uniform Partnership Act. It also repeals the Uniform Limited Partnership Act and enacts the Maine Revised Uniform Limited Partnership Act (2001). Chapter 543 takes effect July 1, 2007.

LD 1646 **An Act Regarding Buildings on Leased Lots** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK DAVIS P	ONTP	

LD 1646 proposed to change the laws governing buildings on leased land in the following ways.

1. It proposed to provide that these laws apply to land in an organized area as well as to land in the unorganized territory.

2. It proposed to provide that a lessor may not terminate a lease without just cause and that a lessor would reimburse a lessee for the fair market value of all improvements on the leased real estate if the lessor terminates the lease.

3. It proposed to provide a lessee with a right of first refusal for the fair market value of the leased land with regard to the leased premises if the lessor intends to sell any real estate in this State. If a lessee does not elect to purchase the leased premises, the lease would continue with the same terms, except for annual rental fees, for no less than 50 years. The annual rental fee would be capped at 5% of the fair market value of the leased premises, excluding improvements.

4. It proposed to exempt certain transactions from capital gains taxation and certain land use laws.

See LD 162.

LD 1679 **An Act To Amend the Procedures Used in Criminal Proceedings Involving Victims with Developmental Disabilities** **PUBLIC 557**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE HOBBINS	OTP-AM	H-845

LD 1679 proposed to allow into evidence certain out-of-court statements describing sexual contact when the statements are made by persons with mental retardation.

Committee Amendment "A" (H-845) proposed to revise the extension of admissibility of certain out-of-court statements by victims to include certain statements by persons with developmental disabilities as defined in current law.

Enacted law summary

Current law allows into evidence certain out-of-court statements made by minors describing sexual contact. Public Law 2005, chapter 557 extends the admissibility into evidence of such statements to those made by persons with developmental disabilities.

LD 1682 **An Act To Support Sibling Rights in Child Welfare Custody Matters** **PUBLIC 526**

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

LD 1682 proposed to give the court authority to order sibling visitation for a child in foster care when it is in the best interests of the child to do so.

Committee Amendment "A" (S-500) proposed to require the court to order sibling visitation for children who are the subjects of child protection proceedings when it is reasonable, practicable and in the best interests of the children involved to do so. It also proposed to require the Department of Health and Human Services to make reasonable efforts to obtain from prospective adoptive parents an agreement to maintain visitation with a child's siblings after the adoption of the child. It proposed to authorize a child, in a child protection action, to request visitation rights with a sibling from whom the child has been separated as a result of the child protection action.

Enacted law summary

Public Law 2005, chapter 526 requires the court to order sibling visitation for children who are the subjects of child protection proceedings when it is reasonable, practicable and in the best interests of the children involved to do so. It also requires the Department of Health and Human Services to make reasonable efforts to obtain from prospective adoptive parents an agreement to maintain visitation with a child's siblings after the adoption of the child. It authorizes a child, in a child protection action, to request visitation rights with a sibling from whom the child has been separated as a result of the child protection action.

LD 1726 **An Act To Allocate Child Support Appropriately** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD	ONTP	

LD 1726 proposed to provide that a parent is not liable for a parental support obligation for any period of time that the child who is the subject of the parental support obligation lives with and is supported by that parent.

LD 1741 **An Act To Encourage Reporting of Potential Fraud, Waste, Inefficiency and Abuse in State Government** **PUBLIC 682**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	OTP-AM	H-1081 SIMPSON
SMITH N		S-543

LD 1741 proposed to ensure the confidentiality of any information that is provided to a state-maintained hotline for the reporting of potential fraud regarding the internal financial operation of State Government.

Committee Amendment "A" (S-543) proposed to replace the bill with new provisions in the statutes governing the State Auditor. The amendment proposed to establish confidentiality protections for certain information if the State Auditor creates a hotline or other referral service for the confidential reporting of fraud, waste, inefficiency and abuse in State Government. It also proposed that the content of the complaint is confidential, except that the State Auditor would be required to publish a report of each complaint alleging fraud, waste, inefficiency or abuse. The report must include a detailed description of the nature of the complaint, the identity of the person or persons who are the subject of the complaint and a statement indicating the degree to which the complaint has been substantiated. The amendment proposed that the State Auditor submit an annual summary of the complaints made to the hotline or other referral service. The summary must provide aggregate information, including the number of referrals to the Attorney General for fraud or other criminal conduct and the number of referrals to the Office of Program Evaluation and Governmental Accountability for performance issues.

The amendment proposed a repeal date for these provisions of July 1, 2009.

House Amendment "A" to Committee Amendment "A" (H-995) proposed to replace the State Auditor's reporting requirement concerning substantiated complaints alleging fraud, waste, inefficiency and abuse. It proposed a requirement that the State Auditor publicly report the identification of cost savings as a result of the

investigation. The report must include recommendations for any action necessary to achieve the cost savings. (Not adopted)

House Amendment "B" to Committee Amendment "A" (H-1027) proposed to replace the State Auditor's reporting requirement concerning substantiated complaints alleging fraud, waste, inefficiency and abuse. It proposed a requirement that the State Auditor publicly report the identification of cost savings as a result of the investigation. The report must include recommendations for any action necessary to achieve the cost savings. The amendment also proposed that the State Auditor submit a written report on and publish on the auditor's publicly accessible website all other complaints within 120 days of the receipt of the complaint, indicating the nature of the complaint, the agency that is the subject of the complaint and the degree to which the complaint was substantiated. (Not adopted)

House Amendment "C" to Committee Amendment "A" (H-1081) proposed to allow a person making a complaint through a hotline or other referral service to allow that person's name to be disclosed if the person agrees in writing. It proposed that the State Auditor publicly report the identification of cost savings as a result of the investigation. The report must include recommendations for any action necessary to achieve the cost savings. The amendment also proposed that the State Auditor submit a written report to the Governor and publish on the auditor's publicly accessible website all other complaints within 120 days of the receipt of the complaint, indicating the nature of the complaint, the agency that is the subject of the complaint and the degree to which the complaint was substantiated. This amendment also proposed that the State Auditor, the Attorney General and the Director of the Office of Program Evaluation and Government Accountability jointly establish criteria for the referral to the appropriate agency of complaints received by that hotline or other referral service maintained by the State Auditor and for coordination of response. The amendment proposed that the State Auditor report the criteria to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than 30 days following development of the criteria or at the next convenient meeting of the committee.

Enacted law summary

Public Law 2005, chapter 682 establishes confidentiality protections for certain information if the State Auditor creates a hotline or other referral service for the confidential reporting of fraud, waste, inefficiency and abuse in State Government. The identity of a person making a complaint alleging fraud, waste, inefficiency or abuse in State Government to a hotline or other referral service is confidential, except that the person making the complaint may allow disclosure. The content of the complaint and any resulting investigation are confidential, except that the State Auditor shall publish a report of each complaint alleging fraud, waste, inefficiency or abuse within 120 days of receiving the complaint. In addition, the State Auditor must submit an annual summary of the complaints made to the hotline or other referral service. Chapter 682 requires coordination between the State Auditor and the director of the Office of Program Evaluation and Governmental Accountability, and specifically gives the director access to confidential information to be shared by the State Auditor. The provisions relating to the State Auditor are repealed July 1, 2009.

Chapter 682 requires (in unallocated law) that the State Auditor, the director of the Office of Program Evaluation and Governmental Accountability and the Attorney General jointly establish criteria for the referral of complaints and the coordination of response.

LD 1743 **An Act To Allow the Department of Health and Human Services To Locate Parents Who Are Delinquent in Child Support Payments through Information Related to Cellular Telephones** **PUBLIC 566 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	OTP-AM	S-535

LD 1743 proposed to require a wireless service provider to provide at the department's request information to the Department of Health and Human Services on an owner of a cellular telephone who is a delinquent child support obligor after the department has exhausted all other avenues in attempting to locate the person.

Committee Amendment "A" (S-535) proposed to replace the bill with language based on the current law that authorizes the Department of Health and Human Services to conduct a data match with financial institutions for the purpose of locating child support obligors.

Enacted law summary

Public Law 2005, chapter 566 is based on the current law that authorizes the Department of Health and Human Services to conduct a data match with financial institutions for the purpose of locating child support obligors.

Chapter 566 allows the department to submit a list of child support obligors to wireless service providers to be used to conduct computerized matches with the wireless service providers' account holders. The wireless service providers must provide in return lists of the matched names, plus the birth dates, social security numbers, addresses and employers of those matched, if that information is available. The department may submit the list for matching no more often than once every calendar quarter.

To cover the costs of carrying out the requirements of this section, a wireless service provider may assess a reasonable fee to the department not to exceed the actual costs incurred by the wireless service provider.

Public Law 2005, chapter 566 was enacted as an emergency measure effective April 11, 2006.

LD 1763 **Resolve, Concerning the Authority of "Do Not Resuscitate" Directives** **RESOLVE 169 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B BRYANT M	OTP-AM	S-522

LD 1763 proposed to require emergency medical responders to follow an order to not resuscitate a patient contained in that patient's advance health-care directive.

Committee Amendment "A" (S-522) proposed to replace the bill with a resolve to address an individual's informed decision to refuse resuscitation. It proposed to direct the Department of Public Safety, Medical Direction and Practices Board to revise the Maine Emergency Medical Services protocols to allow emergency medical services providers to honor an individual's decision to refuse resuscitation if that decision is made available in an individual instruction that shows informed consent to the decision. The protocols must result in

forms that are clear and can be made immediately available to emergency medical services providers. The amendment proposed to direct the Director of Maine Emergency Medical Services within the Department of Public Safety to report by January 15, 2007 to the joint standing committee of the Legislature having jurisdiction over judiciary matters in four areas. The amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction over judiciary matters to submit legislation to the 123rd Legislature concerning advance health-care directives and "do not resuscitate" decisions.

Enacted law summary

Resolve 2005, chapter 169 addresses an individual's informed decision to refuse resuscitation. It directs the Department of Public Safety, Medical Direction and Practices Board to revise the Maine Emergency Medical Services protocols to allow emergency medical services providers to honor an individual's decision to refuse resuscitation if that decision is made available in an individual instruction that shows informed consent to the decision. The protocols must result in forms that are clear and can be made immediately available to emergency medical services providers.

Resolve 2005, chapter 169 directs the Director of Maine Emergency Medical Services within the Department of Public Safety to report by January 15, 2007 to the joint standing committee of the Legislature having jurisdiction over judiciary matters about the change in protocols, the forms and the instructions developed to implement and complement the protocols, educational initiatives undertaken and planned and any recommended legislation.

Resolve 2005, chapter 169 authorizes the joint standing committee of the Legislature having jurisdiction over judiciary matters to submit legislation to the 123rd Legislature concerning advance health-care directives and "do not resuscitate" decisions.

Resolve 2005, chapter 169 was finally passed as an emergency measure effective April 7, 2006.

LD 1778 **An Act To Protect Children from Contact with Convicted Sex Offenders** **PUBLIC 567**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	OTP-AM	S-536

LD 1778 proposed to require a court to consider persons with whom a parent lives in determining whether to grant primary residence or contact. It proposed to allow the court to prohibit residence or contact with a parent who lives with a convicted sex offender.

Committee Amendment "A" (S-536) proposed to revise the additional factor the court must consider in determining the best interests of the child when establishing a parental rights and responsibilities order. The new wording would ensure that the court will consider whether one of the parents is residing with a person who has been convicted of a sexual offense or sexual exploitation of a minor or a person who was adjudicated as having committed a sexual offense in a child protective proceeding in which the person was a party. The same would apply to a person who was adjudicated as a juvenile as having committed the same types of offenses. The amendment would not affect the judge's discretion in determining the best interests of the child.

Enacted law summary

Public Law 2005, chapter 567 creates an additional factor the court must consider in determining the best interests of the child when establishing a parental rights and responsibilities order. The new wording ensures that the court will consider whether one of the parents is residing with a person who has been convicted of a sexual offense or sexual exploitation of a minor or a person who was adjudicated as having committed a sexual offense in a child protective proceeding in which the person was a party. The same applies to a person who was adjudicated as a juvenile as having committed the same types of offenses. Chapter 567 does not affect the judge's discretion in determining the best interests of the child.

LD 1800 **An Act To Amend the Fees for Probate Filings** **PUBLIC 654**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP-AM	S-617

LD 1800 proposed to raise the filing fees for probate filings and require that the recording fee to be paid to the register of deeds.

Committee Amendment "A" (S-617) proposed to replace the bill. It proposed to raise certain Probate Court filing fees and set other fees at the same amount charged by the District Court and Superior Court for similar procedures.

Enacted law summary

Public Law 2005, chapter 654 raises certain Probate Court filing fees and sets other fees at the same amount charged by the District Court and Superior Court for similar procedures.

LD 1805 **An Act To Provide Adult Adoptees Access to Their Original Birth Certificates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DAVIS G TURNER	ONTP	

LD 1805 proposed to establish a process by which an adult adopted person may obtain a copy of that person's original, unaltered birth certificate. The bill, modeled on New Hampshire law, proposed to allow a birth parent to include with the child's original birth certificate a medical history form and a form that indicates whether the parent wishes to be contacted by the child.

See also Joint Order, H.P. 1502.

LD 1811 **An Act Regarding Child Custody Evaluations** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUNN	ONTP	

LD 1811 proposed to provide good-faith protection for psychologists and psychiatrists conducting child custody evaluations similar to protections existing in Florida and West Virginia.

LD 1812 **An Act To Correct Deficiencies in the Divorce Laws** **PUBLIC 594**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM MAJ ONTP MIN	H-869

LD 1812 proposed to change the divorce laws by adding as a ground for divorce the judicial determination that one of the spouses is mentally incompetent. It also proposed to authorize the court to award spousal support while the divorce action is pending, including while the case is on appeal.

Committee Amendment "A" (H-869), the majority report of the Joint Standing Committee on Judiciary, proposed to replace the bill. It proposed to add a divorce ground a judicial finding that one of the parties is incapacitated. It also proposed to authorize an order governing spousal support while a divorce action is pending.

Enacted law summary

Public Law 2005, chapter 594 adds as a ground for divorce that a judicial determination has been made that one of the parties is an incapacitated person, as defined in the Probate Code, for whom a guardian with full powers has been appointed. The court hearing the divorce must appoint a guardian ad litem for the incapacitated person. Chapter 594 also specifies that the trial court in a divorce may issue an order concerning spousal support while the action is pending, including on appeal, and also that the trial court may modify and enforce such orders while the action is pending.

LD 1817 **An Act To Protect Access to Social Security Numbers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOTHAM	ONTP	

LD 1817 proposed to expand the prohibition under current law on use of social security numbers to prohibit all businesses, organizations, government entities and all other entities operating in the State from requesting a person's social security number for any purpose, with exceptions. The bill proposed to allow businesses and the other specified entities to request a person's social security number when necessary to collect or disburse social security funds and when federal law requires the Federal Government to obtain a person's social security number from the business and other specified entities. Under the proposed bill, employers would be permitted to request an employee's social security number without these limitations.

LD 1837 **An Act To Protect Retirement Funds** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH W MARTIN	ONTP	

LD 1837 proposed to exempt from creditors, including in bankruptcy proceedings, the full value of individual retirement accounts and "Roth individual retirement accounts" established under Section 408A of the United States Internal Revenue Code.

See LD 948 from the First Regular Session.

LD 1842 **An Act To Allow Certain End-of-life-care Decision-makers To Consent to Organ and Tissue Donation** **PUBLIC 587**

Sponsor(s)	Committee Report	Amendments Adopted
GROSE	OTP-AM	H-890

LD 1842 is a concept draft pursuant to Joint Rule 208. It proposed to set forth standard language to be included in living wills to provide increased guidance and certainty in situations when a patient is terminally ill or when a doctor has determined that all lifesaving means have been exhausted.

Committee Amendment "A" (H-890) proposed to replace the bill. It proposed to amend the Uniform Anatomical Gift Act to revise who can make organ donation decisions.

Enacted law summary

Public Law 2005, chapter 587 amends the Uniform Anatomical Gift Act to include in the prioritized list of persons who can make decisions about organ donation both agents appointed under a durable health-care power of attorney or an advance health-care directive and registered domestic partners.

LD 1870 **An Act To Clarify Laws Governing Eminent Domain** **PUBLIC 579**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM	H-945

LD 1870 was proposed in response to the United States Supreme Court decision in Kelo v. City of New London, 73 USLW 4552 (2005). The bill proposed to prohibit the use of eminent domain authority for purposes of private retail, office, commercial, industrial or residential development; primarily for the enhancement of tax revenue; or for transfer to a person, nongovernmental entity, public-private partnership, corporation or other business entity. The proposed restriction would not apply to an area upon a finding of blight under current law governing urban development and community development, or to utilities.

Committee Amendment "A" (H-945) proposed the following changes to the bill.

1. The amendment proposed to limit the new restrictions on the use of eminent domain authority to land used for agriculture, fishing or forestry or land improved with residential homes, commercial buildings or other structures. The restrictions, therefore, would not apply to vacant or open land that is not in use.

2. The amendment proposed to revise the restriction on transferring property taken through eminent domain authority to prohibit transfers to individuals and to for-profit business entities.

3. The amendment proposed to revise the blight exception to the restrictions to include property taken under housing authority programs.

4. The amendment proposed to revise the bill's provisions relating to governmental purposes that are not affected by the eminent domain restrictions. Instead of listing permitted purposes as proposed by the bill, this amendment proposed to provide that the new provisions do not prohibit municipalities and counties from exercising eminent domain authority for any purposes other than private retail, office, commercial, industrial and residential development; tax revenue enhancement; and transfers to impermissible transferees.

The amendment proposed to make the changes take effect retroactively to June 23, 2005.

See also LD 1203, LD 1297 and LD 1904.

Enacted law summary

Public Law 2005, chapter 579 prohibits the use of eminent domain authority for purposes of private retail, office, commercial, industrial or residential development; primarily for the enhancement of tax revenue; or for transfer to individuals and to for-profit business entities. The restriction does not apply to an area upon a finding of blight under current law governing urban development, community development and housing authority programs. The restriction does not apply to utilities. The restriction applies to land currently used for agriculture, fishing or forestry or land improved with residential homes, commercial buildings or other structures.

Public Law 2005, chapter 579 applies retroactively to the date the United States Supreme Court issued the Kelo v. City of New London opinion, which is June 23, 2005.

LD 1873 **An Act Regarding Sexual Assault Forensic Examinations** **PUBLIC 538**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM	H-846

LD 1873 proposed to provide hospitals and health care practitioners immunity from criminal or civil liability for an act or omission in performing a forensic examination on an alleged victim of gross sexual assault under certain circumstances.

Committee Amendment "A" (H-846) proposed to replace the bill. The amendment proposed to authorize a forensic examination on an unconscious alleged gross sexual assault victim if a reasonable person would conclude that exigent circumstances justify the exam, and proposed to establish procedures for storage and testing of the kit. The amendment proposed that if the alleged victim does not regain consciousness within 60 days and

therefore cannot decide whether to report the alleged offense, the State may file a motion in District Court relating to storing or processing the examination kit.

Enacted law summary

Public Law 2005, chapter 538 authorizes a forensic examination on an unconscious alleged gross sexual assault victim if a reasonable person would conclude that exigent circumstances justify the exam. The forensic examination kit must be identified without specifying the alleged victim's name and stored as required under current law. The law enforcement agency involved must notify the appropriate district attorney that the examination has been conducted and a kit has been completed.

If the alleged victim does not regain consciousness within 60 days and therefore cannot decide whether to report the alleged offense, the State may file a motion in District Court relating to storing or processing the examination kit. The District Court may order continued storage of the kit, may order it to be sent to the Maine State Police Crime Laboratory for processing or may order such other disposition that the court determines is just. The court may conduct hearings confidentially and in camera and impound pleadings and other records related to them.

LD 1874 **An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships** **PUBLIC 529**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM	H-831

LD 1874 proposed to make changes to business and other entity filing fees to be consistent with changes that were made as part of Public Law 2003, chapter 631 and Public Law 2005, chapter 12. Additionally, this bill proposed to make corrections to the time period an entity has to replace its registered agent upon resignation from 30 to 60 days.

Committee Amendment "A" (H-831) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 529 makes changes to business entity filing fees to be consistent with changes that were made as part of Public Law 2003, chapter 631 and Public Law 2005, chapter 12. Additionally, chapter 529 makes corrections to the time period an entity has to replace its registered agent upon resignation from 30 to 60 days.

LD 1885 **An Act To Protect Drivers' Privacy by Clarifying Ownership of Data Recorded by Motor Vehicle Data Recorders** **PUBLIC 544**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM	H-876

LD 1885, based on Arkansas law, proposed to govern the use of data from motor vehicle data recorders.

Committee Amendment "A" (H-876) proposed to replace the bill. It proposed to provide that data recorded by an event data recorder in a motor vehicle are the property of the owner of the motor vehicle and may not be downloaded or accessed by anyone other than the owner, with certain exceptions.

Enacted law summary

Public Law 2005, chapter 544 provides that data recorded by an event data recorder in a motor vehicle are the property of the owner of the motor vehicle and may not be downloaded or accessed by anyone other than the owner, with certain exceptions. The exceptions are:

1. The owner of the motor vehicle or the owner's agent or legal representative consents to the retrieval of the information;

2. A court of competent jurisdiction in this State orders the production of the data;

3. For purposes of improving motor vehicle safety, security or traffic management, including medical research on the human body's reaction to motor vehicle crashes, as long as the identity of the owner or driver is not disclosed in connection with that retrieved data;

4. The data are retrieved by a licensed motor vehicle dealer or by an automotive technician for the purpose of diagnosing, servicing or repairing the motor vehicle;

5. The data are retrieved for the purpose of determining the need for or facilitating emergency medical response in the event of a motor vehicle crash;

6. The data are retrieved by a law enforcement officer acting pursuant to authority recognized under applicable statutory or constitutional law; and

7. The data are requested as part of routine discovery.

If the event data recorder is capable of recording or transmitting the motor vehicle's location as part of a subscription service, that information must be disclosed in the subscription service agreement. The limitation on the downloading and accessing of data does not apply to subscription services meeting the service subscription agreement disclosure requirement.

The manufacturer of a new motor vehicle that contains an event data recorder and that is sold or leased in this State shall disclose the presence of the event data recorder in the owner's manual for that motor vehicle.

The duty of an insured to cooperate with the insurer in the investigation of any accident or claim under the policy is not affected by the new provisions.

LD 1892 **An Act To Prevent Price Gouging** **PUBLIC 580**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM	H-875 H-894 SIMPSON

LD 1892 proposed to amend the law that prohibits profiteering in necessities. It proposed to establish a ceiling of 15% plus costs on increases in prices for necessities of life affected by an abnormal market disruption due to natural disaster, stress of weather, failure or shortage of electric power or other source of energy, strike, civil disorder, war, terror or a national or local emergency or another precipitating event.

Committee Amendment "A" (H-875) proposed to replace the bill. It proposed to repeal and replace the current "profiteering in necessities" statute to protect consumers from unconscionably high prices for necessities during abnormal market disruptions. The amendment proposed to tie such profiteering to the Maine Unfair Trade Practices Act, authorizing injunctive relief and significant monetary penalties.

The amendment proposed to establish the authority of the Governor to declare the existence of an abnormal market disruption in one or more necessities or categories of necessities. During a declared abnormal market disruption, profiteering in necessities would be a civil violation and may be prosecuted as a violation of the Maine Unfair Trade Practices Act, except that private remedies are not available. Profiteering in necessities means selling or offering to sell necessities at an unconscionable price.

House Amendment "A" to Committee Amendment "A" (H-894) proposed to clarify the definition of "unconscionable price."

Enacted law summary

Public Law 2005, chapter 580 repeals and replaces the current "profiteering in necessities" statute to protect consumers from unconscionably high prices for necessities during abnormal market disruptions. It ties such profiteering to the Maine Unfair Trade Practices Act, authorizing injunctive relief and significant monetary penalties. It establishes the authority of the Governor to declare the existence of an abnormal market disruption in one or more necessities or categories of necessities. During a declared abnormal market disruption, profiteering in necessities is a civil violation and may be prosecuted as a violation of the Maine Unfair Trade Practices Act, except that private remedies are not available. Profiteering in necessities means selling or offering to sell necessities at an unconscionable price.

LD 1904 **An Act To Protect Businesses from Unnecessary Eminent Domain Takings** **ONTP**

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

LD 1904 proposed to apply to all takings under the eminent domain authority of the State, any political subdivision or any other entity that has eminent domain power. It proposed to require that the taking be an

absolute necessity to carry out the public purpose that is the basis of the taking. It also proposed to require the taking of property on which a business is located to be limited to the minimum amount necessary to carry out the public purpose, thus allowing the business to continue. The bill proposed to apply to takings that had not been completed as of its effective date. The bill proposed to take effect when approved.

Committee Amendment "A" (H-1046), the minority report of the Joint Standing Committee on Judiciary, proposed to replace the bill and remove the emergency preamble and emergency clause.

The amendment proposed to provide that eminent domain authority may not be exercised to take property on which a business is located unless the taking is necessary to carry out the purposes for which the property is being taken and unless the amount taken is limited to the minimum amount necessary to carry out the public purpose and is limited so as to maximize the ability of the business to continue.

The amendment proposed to provide for an expedited de novo review of the necessity of the taking for the stated public purpose, of the determination that the amount of property taken is the minimum amount necessary and of the determination whether the property taken is incidental to the business. The Superior Court would balance the need to accomplish the stated public purpose with the preservation of jobs and businesses in this State.

The amendment proposed to provide that the changes apply to pending eminent domain takings, notwithstanding the Maine Revised Statutes, Title 1, section 302.

The amendment proposed to include an appropriation and allocation section.

(Not adopted)

See also LD 1203, LD 1297 and LD 1870.

LD 1907 **An Act To Amend the Law Governing DNA Testing** **PUBLIC 659**

Sponsor(s)	Committee Report	Amendments Adopted
PARADIS MARTIN	OTP-AM	H-994

LD 1907 was modeled on the Innocence Project's model statute for obtaining postconviction DNA testing. It proposed to amend the laws regarding postjudgment conviction motions for DNA analysis in the following ways:

1. It proposed to allow a motion to be brought at any time by any convicted person, regardless of whether the person is incarcerated and the length of the sentence of incarceration;

2. It proposed to allow the motion to be brought before any judge or justice, not just the judge or justice who imposed the sentence;

3. It proposed to provide a time limit for the State to respond to the motion and for the court to hear the motion;

4. It proposed to require the State or law enforcement agency to preserve all evidence in the State's or law enforcement agency's possession or control for the period of time that a person remains incarcerated, on probation, civilly committed or subject to registration as a sex offender;

5. It proposed to allow the court, if the petitioner has retained private counsel, including a nonprofit organization that represents indigent persons, to award reasonable attorney's fees and costs to that private counsel;

6. It proposed to allow a petition to be brought if the petitioner is able to show that the person would not have been convicted or would have received a lesser sentence if favorable results had been obtained through DNA analysis at the time of the original prosecution;

7. It proposed to require the petitioner and the State to agree on a laboratory to perform the DNA analysis or, if agreement is not possible, require the court to choose the laboratory with input from the petitioner and the State;

8. It proposed to require the State to bear the costs of DNA analysis if it is performed by the Maine State Police Crime Laboratory located in Augusta;

9. It proposed to allow the court, if it orders DNA analysis, to make other orders including specifying the type of DNA analysis and testing procedures to be used and requiring the collection and analysis of biological samples from persons other than the petitioner;

10. It proposed to require the court to notify the petitioner's probation officer if the results of the DNA analysis are inconclusive or show that the petitioner is the source of the DNA;

11. It proposed to require the court to hold a hearing on the results if the results of the DNA analysis are favorable to the petitioner. Based on the DNA analysis and any other evidence or matter raised at the hearing, it proposed to require the court to issue an order:

    A. Setting aside or vacating the petitioner's judgment of conviction, judgment of not guilty by reason of mental disease or defect or adjudication;

    B. Granting the petitioner a new trial or fact-finding hearing;

    C. Granting the petitioner a new sentencing hearing, commitment hearing or dispositional hearing;

    D. Discharging the petitioner from custody;

    E. Specifying the disposition of any evidence that remains after the completion of the DNA analysis;

    F. Granting the petitioner additional discovery on matters related to the DNA analysis or the underlying conviction or sentence, including, but not limited to, documents pertaining to the criminal investigation or the identities of other suspects; or

    G. Directing the State to place any unidentified DNA profile obtained from postjudgment of conviction DNA analysis into the state DNA database and state DNA data bank;

12. It proposed to eliminate the requirement that the petitioner prove that only the perpetrator of the crime or crimes for which the petitioner was convicted could be the source of the DNA evidence;

13. It proposed to allow the petitioner to appeal, as a matter of right, the court's denial of the motion for DNA analysis;

14. It proposed to allow the petitioner or the State, as a matter of right, to appeal an order of the court made after the hearing conducted due to DNA analysis results favorable to the petitioner;

15. It proposed to allow successive motions for DNA analysis to be brought if the petitioner asserts new or different grounds for relief, including, but not limited to, factual, scientific or legal arguments not previously presented or the availability of more advanced DNA analysis technology; and

16. It proposed to allow a convicted person and the State to consent to and conduct postjudgment of conviction DNA analysis without filing a motion before the court. The process following the completion of DNA analysis would be the same as if the DNA analysis had been ordered by the court.

Committee Amendment "A" (H-994) proposed to replace the bill. It proposed to amend the postjudgment of conviction motion for DNA analysis procedures in the Maine Revised Statutes, Title 15, chapter 305-B to expand who may file a motion for postjudgment of conviction relief, establish a two-year statute of limitations and revise the criteria for the granting of a new trial based on DNA evidence. It also proposed an effective date of September 1, 2006.

Enacted law summary

Public Law 2005, chapter 659 amends the postjudgment of conviction motion for DNA analysis procedures in the Maine Revised Statutes, Title 15, chapter 305-B. It expand the universe of convicted persons authorized to seek relief under Title 15, chapter 305-B to those persons who have been convicted of any Maine felony crime and whose actual sentence includes straight imprisonment or imprisonment accompanied by parole, probation, supervised release or administrative release that has not yet been fully served. It provides that a qualifying person who may have previously sought relief under Title 15, chapter 305-B and obtained DNA test results that showed that the person was not the source of the evidence may again seek relief based upon the new standards. It establishes a two-year period of limitation for filing a motion seeking relief under Title 15, chapter 305-B.

Chapter 659 amends the law governing the five things to be demonstrated by the convicted person for a new trial. It includes consideration of what information DNA analysis technology that was not available when the person was convicted is capable of providing with respect to the evidence sought to be analyzed in the event the evidence has been previously analyzed.

Chapter 659 provides three alternative standards for granting a new trial in the event the results of the DNA analysis show the convicted person is not the source of the evidence. The third and final standard, new paragraph C, differs from the first two in that a convicted person need not establish by clear and convincing evidence that only the perpetrator of the crime or crimes for which the person was convicted can be the source of the evidence. Because the convicted person is not required to make such a showing, the standard required under new paragraph C is made up of the five prerequisites for obtaining a new trial based on newly discovered evidence set forth in Maine case law and consistently applied by the Law Court. The convicted person must show all five prerequisites by clear and convincing evidence. In the first and second standards listed as paragraphs A and B, because the convicted person is required to make such a showing, the five prerequisites for obtaining a new trial based on newly discovered evidence are truncated. Under the first standard, new paragraph A, the person must also establish by clear and convincing evidence that the DNA test results, when considered with all the other admitted evidence, old and new, show that the person is actually innocent of the crime or crimes for which the person was convicted. Under the second standard, new paragraph B, the person need not show actual innocence, but instead must establish by clear and convincing evidence that the DNA test results, when considered with all the other admitted evidence, old and new, would make it probable that a different verdict would result upon a new trial. This second standard is like that currently found in Title 15, section 2138, subsection 8, paragraph B.

Chapter 659 adds a definition for "all the other evidence in the case, old and new," as used in new paragraphs A and B and new paragraph C, subparagraph (1). Further, although not expressly stated in paragraphs A and B and paragraph C, subparagraph (1), it is intended that the court, as in any hearing for a new trial based on newly discovered evidence, must determine both weight and credibility to be attached to the newly discovered evidence. It is intended that the Maine Rules of Evidence apply at any hearing conducted under the subsection.

Chapter 659 takes effect September 1, 2006.

LD 1920 **An Act To Enhance the Laws Prohibiting Profiteering on Fuel** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOGAN	ONTP	

LD 1920 is a concept draft pursuant to Joint Rule 208. The bill proposed to enhance the penalties for profiteering on fuel, including, but not limited to, increasing the fine from $1,000 to $2,500 and revoking a person's license.

See LD 1892.

LD 1930 **An Act Regarding Working Waterfront Covenants** **PUBLIC 574**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM	S-556

LD 1930 proposed to implement authority given to the Land for Maine's Future Board to be a party to working waterfront covenants. The bill proposed to provide the necessary definitions and provisions for creation, conveyance, acceptance and duration of working waterfront covenants, along with provisions for the scope and validity of such covenants, as well as applicability provisions.

Committee Amendment "A" (S-556) proposed to clarify many provisions in the bill for the creation, enforcement, modification and termination of working waterfront covenants.

Enacted law summary

Public Law 2005, chapter 574 implements authority given to the Land for Maine's Future Board to be a party to working waterfront covenants. It provides the necessary definitions and provisions for creation, conveyance, acceptance and duration of working waterfront covenants, along with provisions for the scope and validity of such covenants, as well as applicability provisions. An existing interest in property is not affected by a covenant unless the owner is a party to the covenant or consents to the covenant. A municipality may bring an action or intervene in an action affecting a working waterfront covenant. A court is required, when modifying, terminating or denying equitable enforcement of a working waterfront covenant, to find that, due to a change in circumstance, the covenant no longer serves the public interest in protecting or enhancing the commercial marine fisheries or related businesses in the State. The Attorney General must be made a party to an action to modify, terminate or enforce a covenant. Written notice of an action must be provided to the Commissioner of Marine Resources. Restrictions in the working waterfront covenant apply to uses of the subject real estate and do not limit the types of persons or businesses that may own, lease or use the real estate.

LD 1932 **An Act To Implement Model Time-share Foreclosure Procedures** **PUBLIC 572**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS KOFFMAN	OTP-AM	S-557

LD 1932 proposed to provide for a nonjudicial process for the foreclosure of time-share estates pursuant to a power of sale granted in a mortgage instrument and for the foreclosure of a lien for assessments.

Committee Amendment "A" (S-557) proposed various changes to the bill, including covering tax liens, clarifying notice requirements, requiring sale in individual lots and forfeiture of rights to deficiencies.

Enacted law summary

Public Law 2005, chapter 572 establishes a nonjudicial process for the foreclosure of time-share estates pursuant to a power of sale granted in a mortgage instrument and for the foreclosure of a lien for assessments. Chapter 572 specifies requirements for notice of the foreclosure of a time-share estate, and sale of the foreclosed units. Mortgages on time-share estates that do not contain a power of sale also may be foreclosed by a nonjudicial process if notice is given to the time-share owner and that owner fails to object to the process in a timely manner. A holder of a mortgage who conducts a nonjudicial foreclosure forfeits any right to pursue a claim for deficiency in payment of the time-share owner's obligations resulting from the application of the proceeds of the sale to those obligations. The right to a deficiency is also extinguished when the holder of a security interest in a time-share license conducts a nonjudicial foreclosure.

LD 1962 **An Act To Ensure Foster Parents Have Access to the Appeal and Fair Hearing Process** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 1962 proposed to provide current and former foster parents with the right to appeal any Department of Health and Human Services action or decision that affects licensure. The appeal would be requested in writing within 30 days of the action or decision. This bill proposed to allow a person who is aggrieved by an action or decision of the department concerning that person's license as a foster parent within the last 5 years to appeal that decision by submitting a written request for appeal within 30 days of the effective date of this Act.

The decision-maker in the fair hearing process would not be the same person or body that took the action or made the decision from which the person is appealing.

The decision made after the hearing would be a final agency action that would be subject to appeal under the Maine Administrative Procedure Act. This bill proposed to include routine technical rulemaking.

LD 1996 | **An Act To Prevent Unauthorized Practice of Immigration and Nationality Law** | **PUBLIC 629 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	OTP-AM	H-977

LD 1996 proposed to expand the federal court exception to the statutory prohibition against the unauthorized practice of law by providing that the prohibition does not apply to practice before any federal administrative agency or tribunal as permitted by federal statutes or regulations. The bill proposed to prohibit the unauthorized practice of immigration or nationality law, defined as representation on any matter concerning immigration or nationality services where such representation is not authorized under 8 Code of Federal Regulation, Section 292.1 or 1292.l or other federal law or regulation governing immigration or nationality matters. The bill also proposed to require a notary public who is not an attorney and who advertises notary services in any language other than English, to include in the advertisement a notice that includes fee information and a statement that the notary is not an attorney and cannot give legal advice or accept fees for legal advice. Finally, LD 1996 proposed to create a new statutory chapter and three new sections relating to immigration consultants in Part 3 (Regulation of Trade) of Title 10 (Commerce and Trade). The new chapter would establish the occupation of immigration consultant, in which capacity a person could offer nonlegal assistance or advice in an immigration or nationality matter, but only as provided by the chapter.

Committee Amendment "A" (H-977) proposed to replace the bill and insert new language to create the Immigration and Nationality Law Assistance Act that would authorize nonlegal immigration and nationality law assistance but limit it to certain services defined in the act that do not rise to the level of legal advice or representation. In addition, the amendment proposed to allow federally authorized immigration representatives who are not members of the Maine Bar to provide immigration and nationality law representation in immigration proceedings before federal agencies if authorized by federal law. Committee Amendment "A" proposed to prohibit certain activities in the course of providing immigration and nationality law assistance, including representations or advertisements that could cause a customer to believe that the provider of assistance either is authorized to practice law in Maine when the provider is not or possesses special skill or expertise in immigration and nationality law matters when the provider is not a member of the Maine Bar or a federally authorized immigration representative. The amendment also proposed to retain the bill language related to notaries that creates new requirements that a notary public who is not a member of the Maine Bar must follow when advertising notary services in a language other than English, the effect of which is to provide notice to potential customers that the notary is not an attorney and may not give legal advice about immigration or any other legal matter. Finally, the amendment proposed to add an emergency preamble and an emergency clause in order to create an emergency measure that would take effect when approved.

Enacted law summary

Public Law 2005, chapter 629 creates the Immigration and Nationality Law Assistance Act that authorizes nonlegal immigration and nationality law assistance but limits it to certain services defined in the act that do not rise to the level of legal advice or representation. In addition, the act allows federally authorized immigration representatives who are not members of the Maine Bar to provide immigration and nationality law representation in immigration proceedings before federal agencies if authorized by federal law. The act prohibits certain activities in the course of providing immigration and nationality law assistance, including representations or advertisements that could cause a customer to believe that the provider of assistance either is authorized to practice law in Maine when the provider is not or possesses special skill or expertise in immigration and nationality law matters when the provider is not a member of the Maine Bar or a federally authorized immigration representative. The law also creates new requirements that a notary public who is not a member of the Maine Bar

must follow when advertising notary services in a language other than English, the effect of which is to provide notice to potential customers that the notary is not an attorney and may not give legal advice about immigration or any other legal matter.

Public Law 2005, chapter 629 was enacted as an emergency measure effective May 4, 2006.

LD 2002 **An Act To Give Superior Court Clerks and Deputy Clerks the Authority To Issue Process for the Arrest of Persons Charged with Crimes** **PUBLIC 540 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2002 proposed to empower the Chief Justice of the Superior Court to grant to Superior Court clerks and deputy clerks the same statutory authority to issue process for the arrest of persons charged with crimes that has heretofore been given to District Court clerks, in view of the changes to the court's rules and procedures regarding the initiation in the Superior Court of trials of felony and related misdemeanor crimes.

Enacted law summary

Public Law 2005, chapter 540 empowers the Chief Justice of the Superior Court to grant to Superior Court clerks and deputy clerks the same statutory authority to issue process for the arrest of persons charged with crimes that has been given to District Court clerks, in view of the changes to the court's rules and procedures regarding the initiation in the Superior Court of trials of felony and related misdemeanor crimes.

Public Law 2005, chapter 504 was enacted as an emergency measure effective April 5, 2006.

LD 2034 **An Act Relating to Mergers and Consolidations of Corporations without Capital Stock** **PUBLIC 531 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	OTP	

LD 2034 proposed to clarify that a corporation without capital stock formed under the Maine Revised Statutes, Title 13 may merge or consolidate with or into a nonprofit corporation formed under Title 13-B.

Enacted law summary

Public Law 2005, chapter 531 clarifies that a corporation without capital stock formed under the Maine Revised Statutes, Title 13 may merge or consolidate with or into a nonprofit corporation formed under Title 13-B.

Public Law 2005, chapter 531 was enacted as an emergency measure effective April 4, 2006.

LD 2036 **An Act To Facilitate the Hiring of Health Care Personnel during Emergency Circumstances** **PUBLIC 630**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-615

LD 2036 proposed to grant private institutions that hire or engage the services of licensed health care workers immunity from civil liability in the event of a declared health emergency, an extreme public health emergency or a disaster for any actions arising from allegations of inadequate investigation prior to their engagement, including, but not limited to, negligent hiring, credentialing or privileging, for services provided within the scope of such licensure.

Committee Amendment "A" (S-615) proposed several changes.

It proposed to delete from the extension of the immunity provided in the bill actions taken pursuant to the declaration of a health emergency declared by the Commissioner of Health and Human Services.

It proposed to require private institutions, such as hospitals, to first check for information about a health care worker with the appropriate licensing board within or affiliated with the Department of Professional and Financial Regulation. It also proposed to extend the immunity provided in the bill to private institutions that rely on the information provided by occupational and professional licensing boards that are within or affiliated with the Department of Professional and Financial Regulation.

It proposed to extend immunity provided in the bill to private institutions that rely on a registry that is operated or certified in accordance with federal requirements.

It proposed to delete from the bill the private institution's immunity when relying on an individual's own representation of status, preemployment screening or privileging review.

It proposed to require that the licensing credentials confirmation process start within 48 hours of the end of the declared emergency or disaster.

It proposed to provide that a person licensed as a health care worker in the State is eligible for civil immunity and workers' compensation insurance coverage during the period the person engages in either an in-state or out-of-state emergency management response under the direction of the Maine Emergency Management Agency.

Enacted law summary

Public Law 2005, chapter 630 grants private institutions that hire or engage the services of licensed health care workers immunity from civil liability in the event of an extreme public health emergency or a disaster for any actions arising from allegations of inadequate investigation prior to their engagement, including, but not limited to, negligent hiring, credentialing or privileging, for services provided within the scope of such licensure. The private institutions must follow certain procedures in obtaining information about the health care worker in order to receive the immunity. Chapter 630 provides that a person licensed as a health care worker in the State is eligible for civil immunity and workers' compensation insurance coverage during the period the person engages in either an in-state or out-of-state emergency management response under the direction of the Maine Emergency Management Agency.

LD 2055 **An Act To Correct Errors and Inconsistencies in the Laws of Maine** **PUBLIC 683 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-1085
		H-1101 SIMPSON
		H-1102 SIMPSON
		H-1103 SIMPSON
		H-1110 SIMPSON
		H-1111 SIMPSON
		H-1112 SIMPSON
		H-1118 SIMPSON
		H-1119 SIMPSON

LD 2055 proposed to correct technical errors and inconsistencies in Maine laws.

Committee Amendment "A" (H-1085) proposed to strike several sections from the bill, and add additional changes. Part B proposed technical corrections; Parts C, D and E proposed changes that are or could be considered substantive changes.

House Amendment "A" to Committee Amendment "A" (H-1089) proposed that a person may provide athletic training to an athlete as long as the person does not use the title "athletic trainer" alone or in connection with other words or the initials "AT" alone or in connection with other initials. (Not adopted)

House Amendment "B" to Committee Amendment "A" (H-1101) proposed to authorize school administrative units to expend state funds provided for new minimum teacher salaries and for salary supplements for national board-certified teachers without calling for a special meeting of the local legislative body. These provisions would apply to fiscal year 2006-07 only.

House Amendment "C" to Committee Amendment "A" (H-1102) proposed to correct two references in the formula for calculation of county and municipal spending growth limitations by specifying that adjustments for changes in state funding are calculated by multiplying the prior year's funding by one plus the growth limitation factor.

House Amendment "D" to Committee Amendment "A" (H-1103) Public Law 2005, chapter 595 provided that rules adopted by the State Board of Education pertaining to the approval of major capital secondary school construction projects be designated as major substantive rules effective January 1, 2007. This amendment proposed to delete the reference to secondary schools in the enacted law because the intent of the Legislature was to amend the Chapter 61 State Board of Education rules that pertain to the approval of major capital construction projects for elementary and secondary schools.

House Amendment "E" to Committee Amendment "A" (H-1110) proposed to provide for the protection of proprietary information by the Department of Marine Resources under the Maine Working Waterfront Access Pilot Program.

House Amendment "F" to Committee Amendment "A" (H-1111) proposed to change the date for the new voting procedure for smoking in private clubs from August 1, 2006 to September 1, 2006 and make the same change in the transition section. It also proposed to change the duration of the vote's authority to September 1, 2008.

House Amendment "G" to Committee Amendment "A" (H-1112) proposed to designate the name of T11 R14 WELS as Clayton Lake as of January 1, 2007.

House Amendment "H" to Committee Amendment "A" (H-1115) proposed to clarify that the prohibition on networking of voting machines does not apply to the connection of individual voting devices to a central server using a wired, point-to-point telephone connection that is not Internet-enabled, when the central server is operated or managed by the Secretary of State. (Not adopted)

House Amendment "I" to Committee Amendment "A" (H-1118) proposed to clarify that the prohibition on networking of voting machines does not apply to the connection of individual voting devices to a central server using a wired, point-to-point telephone connection that is not Internet-enabled when the central server is operated or managed by the Secretary of State. This is to allow compliance with the federal Help America Vote Act of 2002, which requires the provision of voting systems equipped for individuals with disabilities. The amendment proposed to repeal the new language 90 days after the adjournment of the First Regular Session of the 123rd Legislature.

House Amendment "J" to Committee Amendment "A" (H-1119) proposed to remove the language that exempts from the General Fund appropriation limitation the state costs of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program (Public Law 2005, chapter 636).

Enacted law summary

Public Law 2005, chapter 683, in Parts A and B, corrects technical errors and inconsistencies in the Laws of Maine. Parts C, D, E, F, G, H and I make changes that are or could be considered substantive.

Part C makes the following changes:

1. Clarifies the capacity of the deputy treasurer of state to vote on boards when the Treasurer is absent;

2. Corrects inconsistencies that were created by Public Law 2005, chapter 343, which changed the composition of the Pharmaceutical Cost Management Council but did not change the number of members to coincide with the change in the composition of the council;

3. Amends the law creating a private right of action for damages for illegal wagering to cover all wagers for which a license is required. This covers all horse racing for which wagers may be accepted by a licensee in this State. The current law limits the illegal wagering to harness racing;

4. Corrects an error in the laws governing mandatory building standards for residential construction by changing references to the Department of Economic and Community Development to references to the Public Utilities Commission;

5. Corrects formatting errors to reflect the intent of the original law concerning Probate proceedings;

6. Corrects a cross-reference concerning the duties and powers of personal representatives;

7. Amends the Maine Uniform Trust Code to carry out the original intent concerning a trust settler's options regarding the provision of information to beneficiaries;

8. Amends the fee schedule for copies of certain documents provided by municipal clerks;

9. Conforms language within the Emergency Medical Services laws to technical drafting standards and classifies a violation as a Class E crime;

10. Clarifies the appropriation in Public Law 2005, chapter 519, Part GGG, section 1, which appropriated funds to two newly built hospice facilities and identifies certain details of the plan grantees must submit to the Department of Health and Human Services. The Department of Health and Human Services is required to submit a report to certain joint standing committees of the Legislature identifying how the grant funds were utilized by the grantees;

11. Corrects an error in Public Law 2005, chapter 519, Part UUU, section 2, which deappropriated funds from the All Other line category in fiscal year 2005-06 concerning education in the Unorganized Territory. The funds should have been deappropriated from the Personal Services line category; and

12. Directs the Board of Environmental Protection to amend chapter 335: Significant Wildlife Habitat, a major substantive rule, by changing a date contained in one of the criteria for determining whether a shorebird feeding or staging site qualifies as significant shorebird habitat from 1989 to 1987.

Part D clarifies that the Consolidated Emergency Communications Fund created in Public Law 2005, chapter 519, Part OO applies to all municipal, county and state governmental units, not just Kennebec County and allows for the establishment of positions when any governmental unit voluntarily consolidates communications systems. Part D also corrects the name of the Consolidated Emergency Communications Bureau. This Part is retroactive to the effective date of the public law.

Part E corrects a reference to the number of members of the Professional Standards Board and corrects a cross-reference by adding a subsection reference that was omitted.

Part F provides for the protection of proprietary information by the Department of Marine Resources under the Maine Working Waterfront Access Pilot Program.

Part G changes the date for the new voting procedure for smoking in private clubs from August 1, 2006 to September 1, 2006 and makes the same change in the transition section. It also changes the duration of the vote's authority to September 1, 2008.

Part H authorizes school administrative units to expend state funds provided for new minimum teacher salaries and for salary supplements for national board-certified teachers without calling for a special meeting of the local legislative body. These provisions apply to fiscal year 2006-07 only.

Part I corrects two references in the formula for calculation of county and municipal spending growth limitations by specifying that adjustments for changes in state funding are calculated by multiplying the prior year's funding by one plus the growth limitation factor.

Public Law 2005, chapter 595 provided that rules adopted by the State Board of Education pertaining to the approval of major capital secondary school construction projects be designated as major substantive rules effective January 1, 2007. Part J deletes the reference to secondary schools in the enacted law because the intent of the Legislature was to amend the Chapter 61 State Board of Education rules that pertain to the approval of major capital construction projects for elementary and secondary schools.

Part K designates the name of T11 R14 WELS as Clayton Lake as of January 1, 2007.

Part L clarifies that the prohibition on networking of voting machines does not apply to the connection of individual voting devices to a central server using a wired, point-to-point telephone connection that is not Internet-enabled when the central server is operated or managed by the Secretary of State. This is to allow compliance with the federal Help America Vote Act of 2002, which requires the provision of voting systems equipped for individuals with disabilities. This new language is repealed 90 days after the adjournment of the First Regular Session of the 123rd Legislature.

Part M removes the language that exempts from the General Fund appropriation limitation the state costs of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program (Public Law 2005, chapter 636).

Public Law 2005, chapter 683 was enacted as an emergency measure effective June 2, 2006.

LD 2061 **An Act To Issue Certificates of Title for Single-unit Mobile Homes** **PUBLIC 678**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-1038

LD 2061 proposed to establish a system for the titling of certain single unit manufactured housing. It proposed an effective date of January 1, 2007.

Committee Amendment "A" (H-1038) proposed to recognize manufactured housing as an important component of the housing industry in the State and as residential property whether it is considered personal property or real property. The amendment proposed to except from titling requirements manufactured housing that is permanently affixed to real property within 30 days of the date of sale. Such manufactured housing would be treated as real property. The amendment proposed to establish a procedure to cancel a certificate of title once the titled manufactured housing is permanently affixed to real property. The amendment proposed to change the effective date of the bill from January 1, 2007 to October 1, 2007.

Enacted law summary

Public Law 2005, chapter 678 recognizes manufactured housing as an important component of the housing industry in the State and as residential property whether it is considered personal property or real property. It establishes a titling program for certain manufactured housing. Excepted from the titling requirements is manufactured housing that is permanently fixed to real property within 30 days of the date of sale. Chapter 678 establishes a procedure to cancel a certificate of title once the titled manufactured housing is permanently affixed to real property.

Public Law 2005, chapter 678 is effective October 1, 2007.

LD 2087 **An Act To Implement Recommendations Concerning Temporary Guardian and Conservator Laws** **PUBLIC 625**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-1023

LD 2087 proposed to enact the recommendations included in the report submitted by the Department of Health and Human Services prepared pursuant to Resolve 2005, chapter 91. The bill proposed to address notice and other issues involving the appointment of temporary guardians and conservators by the Probate Courts.

Committee Amendment "A" (H-1023) proposed to clarify that the Probate Court may appoint a temporary guardian or a temporary conservator by an order appropriate to the case, whether ex parte or otherwise.

Enacted law summary

Public Law 2005, chapter 625 was submitted by the Joint Standing Committee on Judiciary pursuant to Resolve 2005, chapter 91. It is based on recommendations included in the report submitted by the Department of Health and Human Services prepared pursuant to the same resolve. Chapter 625 requires that before a person files a petition for a temporary guardianship or conservatorship, notice of the petition must be given to the allegedly incapacitated person or the person alleged to be in need of protection as well as specific family members or others involved in the life of that person. The specifics of the notice are listed. Notice is not required in certain circumstances. Chapter 625 provides guidance to the Probate Courts in the determination of whether an emergency exists that necessitates the appointment of a temporary guardian or conservator. The court may make such an appointment in order to prevent serious, immediate and irreparable harm to the health or financial interests of the person.

LD 2111 **An Act To Implement the Recommendations of the Freedom of Access Advisory Committee** **PUBLIC 631**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2111 proposed to enact certain recommendations of the Freedom of Access Advisory Committee, established by Resolve 2005, chapter 123, and recommendations of the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 432. The bill proposed to establish the Right To Know Advisory Committee, a permanent advisory council representing all levels and branches of government. It proposed to revise the public records exception review processes.

Senate Amendment "A" (S-627) proposed to repeal the authority for the Right to Know Advisory Committee 90 days after adjournment of the Second Regular Session of the 123rd Legislature. The amendment proposed to require that the first year funding come from the preexisting legislative study budget for fiscal year 2006-07 only. The amendment proposed to require that for the next fiscal year the advisory committee fully fund its activities through outside funding sources. (Not adopted)

Enacted law summary

Public Law 2005, chapter 631 includes recommendations of the Freedom of Access Advisory Committee, established by Resolve 2005, chapter 123, and recommendations of the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 432. Chapter 631 establishes the Right To Know Advisory Committee, a permanent advisory council representing all levels and branches of government as well as the media and the public. The advisory committee has oversight authority and responsibility for a broad range of activities associated with the purposes and principles underlying the freedom of access laws. The responsibility for reviewing existing public records exceptions, currently a task assigned to the Joint Standing Committee on Judiciary, is shifted to the advisory committee. Flexibility for review of exceptions outside of the listed schedule is provided. The advisory committee may make recommendations for changes in the statute to improve the laws and may make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities with regard to best practices in providing the public access to records and proceedings and to maintain the integrity of the freedom of access laws and their underlying principles. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the advisory committee's recommendations. This bill revises the schedule for review of existing public records exceptions and includes in the review the question of whether there is a publicly accountable entity with authority to review the activities of the agency or official that collects, maintains and uses confidential information.

HP 1502 | **Commission To Study Access to Birth Certificates and Medical Records for Adult Adoptees** | **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report	Amendments Adopted

HP 1502 proposed to create the Commission to Study Access to Birth Certificates and Medical Records for Adult Adoptees, made up of three members of the Senate and four members of the House of Representatives.

See also LD 1805.

LD 235 **An Act To Increase the Minimum Wage** **PUBLIC 578**

Sponsor(s)	Committee Report		Amendments Adopted
TUTTLE	OTP-AM	MAJ	H-725
BRYANT B	ONTP	MIN	

LD 235 proposed to increase the State minimum hourly wage to $6.75 per hour starting October 1, 2006 and to $7.00 per hour starting October 1, 2007.

Committee Amendment "A" (H-725) proposed to update the bill to correct the reference to the current State minimum hourly wage, retaining the proposed increase of the State minimum hourly wage to $7.00 per hour over a 2-year period.

House Amendment "A" (H-807) proposed to allow a tax credit to an employer who hires a person who has been unemployed for a year or more or who is an unskilled laborer. The tax credit would equal the difference between the federal minimum hourly wage and the State minimum hourly wage, multiplied by the number of hours worked by the person hired. The amendment proposed to make the credit applicable only for the first 12 months of the employment of the person hired and to become effective for tax years beginning on or after January 1, 2007. This amendment was not adopted.

House Amendment "D" to Committee Amendment "A" (H-916) proposed to delay the increase to $6.75 per hour in the State minimum hourly wage until October 1, 2007 and proposed to eliminate the further increase provided in Committee Amendment "A." This amendment was not adopted.

House Amendment "E" to Committee Amendment "A" (H-917) proposed to delay the increase to $6.75 per hour in the State minimum hourly wage until October 1, 2007 and proposed to eliminate the further increase provided in Committee Amendment "A." This amendment was not adopted.

House Amendment "H" to Committee Amendment "A" (H-968) proposed to require the Commissioner of Labor, starting October 1, 2008 and every October 1st thereafter, to adjust the State minimum hourly wage by any positive percentage change in the 12-month average of the National Consumer Price Index for All Urban Wage Earners and Clerical Workers for the previous year. This amendment was not adopted.

House Amendment "I" to Committee Amendment "A" (H-969) proposed to increase the State minimum hourly wage to $7.25 and $8.00 per hour effective October 1, 2006 and October 1, 2007, respectively, and proposed to require the Commissioner of Labor, starting October 1, 2008 and every October 1st thereafter, to adjust the State minimum hourly wage by any positive percentage change in the 12-month average of the National Consumer Price Index for All Urban Wage Earners and Clerical Workers for the previous year. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-454) proposed to limit the proposed increases in the State minimum hourly wage to persons 18 years of age or older. This amendment was not adopted.

Senate Amendment "B" (S-482) proposed that, starting October 1, 2006, an employer with 25 or fewer employees may, under certain conditions, pay a student under 18 years of age hired on or after October 1, 2006 a minimum hourly wage of $6.50 per hour for a period no longer than 90 days. This amendment was not adopted.

Senate Amendment "B" to Committee Amendment "A" (S-459) proposed to increase the State minimum hourly wage to $6.75 per hour starting October 1, 2007 and to $7.00 per hour starting October 1, 2008. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 578 increases the State minimum hourly wage to $6.75 per hour starting October 1, 2006 and to $7.00 per hour starting October 1, 2007.

LD 350 **An Act To Provide Funding To Allow Veterans Who Received Certain Combat Medals To Purchase Subsidized Service Time towards Their Retirement** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL NASS R	OTP-AM	H-32

LD 350 proposed to allow members of the Maine State Retirement System with at least 15 years of creditable service who served in the Armed Forces of the United States to purchase service credit for the time spent in the armed forces at a subsidized cost, whether or not the military time was during a federally recognized period of conflict or the member was awarded a campaign or expeditionary medal.

Committee Amendment "A" (H-32) proposed to replace the bill. The amendment proposed to appropriate funds to the Maine State Retirement System for the purposes of Public Law 2003, chapter 693, which enables veterans who received certain combat or expeditionary medals to purchase military service credit toward retirement at a subsidized rate.

LD 430 **An Act To Modify the Obligation To Bargain under the Municipal Public Employees Labor Relations Law** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON EDMONDS	ONTP	

LD 430, a concept draft pursuant to Joint Rule 208, proposed to modify the obligations of public employers and their employees to bargain collectively, as is currently required under the Maine Revised Statutes, Title 26, section 965.

LD 748 **Resolve, Establishing the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers** **RESOLVE 181**

Sponsor(s)	Committee Report		Amendments Adopted	
GAGNON	OTP-AM	MAJ	S-432	
DUPLESSIE	ONTP	MIN	H-935	HUTTON

LD 748, a concept draft pursuant to Joint Rule 208, proposed to create parity between corrections officers and mental health workers regarding retirement benefits by adding direct-care mental health workers in the Department of Health and Human Services to the 1998 Special Plan. Under that plan, a worker qualifies for service retirement benefits if that worker either:

1. Is 55 years of age with 10 years of creditable service in a covered capacity; or

2. Has 25 years of creditable service.

In the latter case, the worker is eligible for a reduced benefit.

Committee Amendment "B" (S-432) proposed to replace the bill and make it a resolve. It proposed to establish the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers for the purpose of studying:

1. Whether corrections officers and mental health workers should have uniform retirement benefits;

2. Whether, regardless of age, they should be eligible to retire after 25 years of service without a reduction in benefits; and

3. If a retirement plan is recommended by the Commission, which job classifications should be included in the plan and possible ways of funding it?

The membership of the commission would include representatives of corrections officers, mental health workers and their employers and 5 legislators. The amendment proposed to direct the commission to submit a report and to authorize the commission to introduce legislation related to its report to the First Regular Session of the 123rd Legislature. Finally, the amendment proposed to add an emergency preamble and an emergency clause in order to create an emergency measure that would take effect when approved.

House Amendment "A" to Committee Amendment "B" (H-935) proposed to remove the emergency preamble and the emergency clause, to advance by 15 days the deadline for making appointments to the Commission and to change the deadline for the Commission's first meeting from July 15 to September 1, 2006.

Committee Amendment "A" (S-68) was adopted during the First Special Session of the 122nd Legislature before LD 748 and accompanying papers were committed to the Committee on Labor and carried over. Subsequently, this amendment was not adopted. The amendment proposed to replace the bill and make it a resolve. It proposed to establish the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers for the purpose of studying:

1. Whether corrections officers and mental health workers should have uniform retirement benefits;

2. Whether, regardless of age, they should be eligible to retire after 25 years of service without a reduction in benefits; and

3. If a retirement plan is recommended by the Commission, which job classifications should be included in the plan and possible ways of funding it?

The membership of the commission would include representatives of corrections officers, mental health workers and their employers and 5 legislators. The amendment proposed to direct the commission to submit a report and to authorize the commission to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature. Finally, the amendment proposed to add an emergency preamble and an emergency clause in order to create an emergency measure that would take effect when approved. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-311) was adopted during the First Special Session of the 122nd Legislature before LD 748 and accompanying papers were committed to the Committee on Labor and carried over. Subsequently, this amendment was not adopted. The amendment proposed to change the name of the Commission to the "Commission To Study Retirement Eligibility and Benefits for Certain Law Enforcement Officers and Mental Health Workers" and to expand the duties of the Commission to include the study of whether law enforcement officers in the Office of the Attorney General and the Department of the Secretary of State should be included in the 1998 Special Plan. The amendment also proposed to increase the membership of the Commission to include representatives of the bargaining agents of law enforcement officers in the Office of the Attorney General and the Department of the Secretary of State, the Attorney General, the Secretary of State and 4 additional legislators. This amendment was not adopted.

Enacted law summary

Resolve 2005, chapter 181 establishes the Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers for the purpose of studying:

1. Whether corrections officers and mental health workers should have uniform retirement benefits;

2. Whether, regardless of age, they should be eligible to retire after 25 years of service without a reduction in benefits; and

3. If a retirement plan is recommended by the Commission, which job classifications should be included in the plan and possible ways of funding it?

The membership of the commission includes representatives of corrections officers, mental health workers and their employers and 5 legislators. The commission is directed to submit a report and is authorized to introduce legislation related to its report to the First Regular Session of the 123rd Legislature.

LD 758 **An Act To Increase Retired Teachers' Health Insurance Benefits** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
GLYNN	OTP-AM	H-410

LD 758 proposed to increase the State's contribution for health insurance for retired educators from 40% to 100%, phased in over 3 years.

Committee Amendment "A" (H-410) proposed to phase in the increase to the State's contribution for health insurance for retired educators over 11 years and to add an appropriations and allocations section to the bill.

See also Public Law 2005, chapter 12, part X and Public Law 2005, chapter 457, part TT, which increase the state's contribution for health insurance for retired educators from 40% to 45% as of January 1, 2006.

LD 1021 **An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters** **PUBLIC 636**

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	H-1007
	OTP-AM	MIN	S-660 MARTIN
	ONTP	MIN	

LD 1021 proposed to implement the unanimous recommendations of the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters.

Part A proposed to create a state subsidy for the cost of retiree health insurance for municipal and county law enforcement officers and firefighters who retire from certain Maine State Retirement System retirement plans. To pay for the subsidy, the bill proposed to create a dedicated account funded from 2 sources: a 0.50% premium tax on certain types of property and casualty insurance policies, including homeowners insurance and commercial and personal car insurance, and a contribution of 1.5% of compensation from active municipal and county law enforcement officers and firefighters who participate in certain retirement plans and would be likely to be eligible for the subsidy upon retirement. Officers and firefighters would be eligible for the subsidy only if they have retired from a Maine State Retirement System retirement plan that provides for retirement after 25 years of service, with a benefit of at least 50% of average final compensation and a cost-of-living adjustment, or a better Maine State Retirement System retirement plan. The bill proposed to require the Department of Administrative and Financial Services to report on revenue and funding of the subsidy to the Legislature in 2011, and to require the Bureau of Insurance in the Department of Professional and Financial Regulation to submit a report to the Second Regular Session of the 122nd Legislature setting forth options for collecting contributions toward the cost of the retiree health insurance from businesses that do not purchase insurance for the types of property and casualty risks described in the bill.

Part B proposed to allow state, county and municipal law enforcement officers and firefighters who change employers to purchase portability of their retirement benefits, if they are changing retirement plans and the plan to which they are moving does not provide portability. Portability would allow a person to count all or a portion of years of service from an earlier retirement plan when calculating a benefit or meeting the years-of-service requirement in a later retirement plan, and to count compensation from all years of service in determining average final compensation, one of the factors in calculating a retirement benefit. This provision would apply only to persons moving among the types of Maine State Retirement System retirement plans described above.

Committee Amendment "B" (H-1007), the majority report of the Joint Standing Committee on Labor, proposed to strike Part A of the bill and replace it with a new Part A that would allow retired county and municipal law enforcement officers and retired municipal firefighters who are enrolled in a county or municipal self-insurance health coverage plan to join the state group health plan under certain circumstances and would provide a state premium subsidy. Part A also proposed to create the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, which would provide for health insurance coverage when the retiree is eligible for a retirement benefit under certain conditions and participated in the county or municipal health plan while employed. The amendment also proposed a state subsidy, beginning July 1, 2007, equal to 45% of the cost of insurance premiums, or dollar equivalents, for each eligible retiree. Health insurance coverage under the program would not become effective until July 1, 2007 or the date of retirement, whichever occurs later. Eligible persons, including retirees, whose date of hire is on or before November 1, 2006, would have to enroll in the plan before January 1, 2007. Eligible persons whose date of hire is after November 1, 2006 would have to enroll in the plan no later than 60 days following the effective date of hire. Effective January 1, 2007, each county and municipal law enforcement officer and each municipal firefighter who participates as an active employee in a retirement plan and who has enrolled in the program would have to contribute 1.5% of gross wages to a fund to offset the costs of the program. Members of volunteer or call firefighters' associations in this State, as well as persons serving as county or municipal law enforcement personnel on a reserve basis, would remain eligible to participate in the program of health benefits coverage established pursuant to the eligibility criteria and other provisions set forth in the Maine Revised Statutes, Title 24-A, chapter 87 as long as they meet the eligibility requirements under that chapter. The amendment also proposed to add an appropriations and allocations section to the bill.

Senate Amendment "G" to Committee Amendment "B" (S-660) proposed the following:

1. To exempt from the General Fund appropriation limitation the state costs of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program;

2. To establish a minimum age of 50 years for participation in the program; and

3. To require a person to pay into the fund for at least 60 months before becoming eligible, upon retirement, to obtain a subsidy. A person who retires without making 60 months of contributions would be able to participate in the program by making a payment to the fund. The amount of the payment would be based on the person's age at the date of enrollment in the program, the person's average monthly final compensation and any payments made by the person to the fund prior to retirement. The percentage of average monthly final compensation payment would range from 2% for retirees who are at least 50 years of age to 1.5% for retirees who are at least 60 years of age. A retiree would be allowed to participate upon enrollment but would have to make the required payment within 12 months or be disenrolled.

Senate Amendment "A" to Committee Amendment "B" (S-607) proposed to strike Part A of the bill as amended by Committee Amendment "B" and replace it with a new Part A that creates the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, a self-funding program that would provide for health insurance coverage when the retiree is eligible for a retirement benefit

under certain conditions and participated in the county or municipal health plan while employed. The amendment also proposed a premium subsidy, beginning January 1, 2012, not to exceed 45% of the cost of insurance premiums, or dollar equivalents, for each eligible retiree. The premium subsidy would be funded from employee contributions. Health insurance coverage under the program would not become effective until January 1, 2012 or the date of retirement, whichever occurs later. Persons whose date of initial hire is on or before November 1, 2006 would have to enroll in the plan before January 1, 2007. Persons whose date of initial hire is after November 1, 2006 would have to enroll in the plan no later than 60 days following the effective date of initial hire. Effective January 1, 2007, each county and municipal law enforcement officer and each municipal firefighter would have to contribute 2% of gross wages to a fund to pay for the costs of the program. An enrollee would have to make contributions to the fund for 60 months in order to be eligible for coverage under the program. Members of volunteer or call firefighters' associations in this State, as well as persons serving as county or municipal law enforcement personnel on a reserve basis, would remain eligible to participate in the program of health benefits coverage established pursuant to the eligibility criteria and other provisions set forth in the Maine Revised Statutes, Title 24-A, chapter 87 as long as they meet the eligibility requirements under that chapter. This amendment was not adopted.

House Amendment "A" to Committee Amendment "B" (H-1028) proposed to strike Part A of the bill as amended by Committee Amendment "B" and replace it with a new Part A that creates the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, a self-funding program that would provide for health insurance coverage when the retiree is eligible for a retirement benefit under certain conditions and participated in the county or municipal health plan while employed. The amendment also proposed a premium subsidy, beginning January 1, 2012, not to exceed 45% of the cost of insurance premiums, or dollar equivalents, for each eligible retiree. The premium subsidy would be funded from employee contributions. Health insurance coverage under the program would not become effective until January 1, 2012 or the date of retirement, whichever occurs later. Persons whose date of initial hire is on or before November 1, 2006 would have to enroll in the plan before January 1, 2007. Persons whose date of initial hire is after November 1, 2006 would have to enroll in the plan no later than 60 days following the effective date of initial hire. Effective January 1, 2007, each county and municipal law enforcement officer and each municipal firefighter would have to contribute 2% of gross wages to a fund to pay for the costs of the program. An enrollee would have to make contributions to the fund for 60 months in order to be eligible for coverage under the program. Members of volunteer or call firefighters' associations in this State, as well as persons serving as county or municipal law enforcement personnel on a reserve basis, would remain eligible to participate in the program of health benefits coverage established pursuant to the eligibility criteria and other provisions set forth in the Maine Revised Statutes, Title 24-A, chapter 87 as long as they meet the eligibility requirements under that chapter. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 636 allows retired county and municipal law enforcement officers and retired municipal firefighters who are enrolled in a county or municipal self-insurance health coverage plan to join the state group health plan under certain circumstances and provides a state premium subsidy. The law also creates the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, which provides for health insurance coverage when the retiree is at least 50 years of age, is eligible for a retirement benefit under certain conditions and participated in the county or municipal health plan while employed. The program provides for a state premium subsidy, beginning July 1, 2007, equal to 45% of the cost of insurance premiums, or dollar equivalents, for each eligible retiree. Health insurance coverage under the program is not effective until July 1, 2007 or the date of retirement, whichever occurs later. Eligible persons, including retirees, whose date of hire is on or before November 1, 2006 must enroll in the plan before January 1, 2007. Eligible persons whose date of hire is after November 1, 2006 must enroll in the plan no later than 60 days following the effective date of hire. Effective January 1, 2007, each county and municipal law enforcement officer and each

municipal firefighter who participates as an active employee in a retirement plan and who has enrolled in the program must contribute 1.5 % of gross wages to a fund to offset the costs of the program. An enrollee must make contributions to the fund for 60 months, or pay a lump sum dollar equivalent that is computed based on the enrollee's age, in order to be eligible for coverage under the program. Members of volunteer or call firefighters' associations in this State, as well as persons serving as county or municipal law enforcement personnel on a reserve basis, are eligible to participate in the program of health benefits coverage established pursuant to the eligibility criteria and other provisions set forth in the Maine Revised Statutes, Title 24-A, chapter 87 as long as they meet the eligibility requirements under that chapter. The law exempts from the General Fund appropriation limitation the state costs of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program. The law also includes an appropriations and allocations section. Finally, the law provides for the purchase of retirement benefit portability for coverages under the program by law enforcement officers and firefighters.

Immediately after being chaptered, Public Law 2005, chapter 636 was amended in LD 2055, an errors bill, to remove the exemption from the General Fund appropriation limitation.

LD 1050 **An Act To Promote Enforcement of Labor Laws Affecting Employers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	
SMITH W		

LD 1050 proposed to require the Attorney General to investigate violations of the labor laws, including wage and hour violations and unemployment fraud, and prosecute violators. The bill proposed to specify that, if the Attorney General determines that an employer has violated a labor law, the Attorney General must investigate all the employees and subcontractors of that employer.

LD 1276 **An Act To Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set** **INDEF PP**

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

LD 1276 proposed to prohibit the Department of Labor from certifying to the United States Department of Labor that no U.S. citizens are qualified for or willing to fill a job opening in a forestry occupation, for the purpose of allowing an employer to hire a foreign worker to fill that job opening under what is commonly known as an "H-2B visa," if the job would require the worker to use the worker's own equipment and if the U.S. Department of Labor's Division of Foreign Labor Certification has not established a prevailing wage for workers performing that job using the workers' own equipment. This amendment was not adopted.

Committee Amendment "C" (H-748) proposed to add a provision to prohibit an employer from making a false representation to a government entity in an application to hire a foreign worker through a procedure commonly known as an "H-2B visa," or in any supporting documentation or statements. The amendment proposed to set

fines for violations as follows: $1,000 but not more than $5,000 for a first violation; $5,000 but not more than $20,000 for a 2nd offense within 3 years; and $10,000 but not more than $50,000 for a 3rd or subsequent violation within 3 years of 2 or more prior violations. The amendment would grant enforcement authority to the Department of Labor, Bureau of Labor Standards and authority to adopt routine technical rules to carry out its purposes. The amendment also would make technical changes to account for the Maine Revised Statutes, Title 26, section 872, which was enacted by Public Law 2005, chapter 461. This amendment was not adopted.

Committee Amendment "B" (H-445) proposed to add a provision to prohibit an employer from making a false representation to a government entity in an application to hire a foreign worker through a procedure commonly known as an "H-2B visa," or in any supporting documentation or statements. The amendment proposed to set fines for violations as follows: $1,000 but not more than $5,000 for a first violation; $5,000 but not more than $20,000 for a 2nd offense within 3 years; and $10,000 but not more than $50,000 for a 3rd or subsequent violation within 3 years of 2 or more prior violations. The amendment also proposed to grant enforcement authority to the Department of Labor, Bureau of Labor Standards and authority to adopt routine technical rules to carry out its purposes. This amendment was not adopted.

LD 1346 **An Act to Require Employers and Employees to Provide a 2-Week Notice before Terminating Employment** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
TWOMEY BRYANT B		

LD 1346 proposed to require all employees to give 2 weeks' notice prior to quitting and employers, including the State and the Legislature, to give 2 weeks' notice prior to terminating an employee. The bill proposed that an employee who quits in violation of this requirement without reasonable cause would be subject to a forfeiture of one week's pay and that an employer who fails to provide 2 weeks' notice without reasonable cause would be required to provide the employee with 2 weeks' pay. Current law allows an employer and employee in a manufacturing or mechanical business to contract to give each other one week's notice of intention to quit or terminate employment.

Committee Amendment "A" (H-376), the majority report of the Joint Standing Committee on Labor**,** proposed to replace the bill. The amendment proposed to specify that a partisan legislative employee must be provided with at least a 2-week notice prior to being discharged, unless the termination is for reasonable cause. This amendment was not adopted.

LD 1604 **An Act To Restructure the Unfunded Liability of the Maine State Retirement System** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

LD 1604, a concept draft pursuant to Joint Rule 208, proposed to refinance a portion of the Maine State Retirement System pension debt through the bond market.

LD 1628 **An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted
PATRICK	OTP-AM	MAJ	
BRYANT B	ONTP	MIN	

LD 1628 proposed to require that a contractor or subcontractor entering into a contract for a public work on or after July 1, 2007 that is for $10,000 or more provide documentation demonstrating that all employees working on that project have completed a construction safety training course, no shorter than 10 hours in duration, approved by the United States Occupational Safety and Health Administration. The bill also proposed to specify that, in addition to fines provided in existing law, violation of these requirements may result in removal of employees for whom the required documentation is not provided, as well as cancellation or enforcement of performance of the contract.

Committee Amendment "B" (H-732) proposed to:

1. Eliminate the penalties of removal of workers and cancellation of the contract;

2. Allow the Director of the Bureau of General Services within the Department of Administrative and Financial Services to deduct penalties assessed to contractors and subcontractors from contract payments for public works;

3. Afford contractors and subcontractors 30 days to correct a failure to provide the required training or, if the contractor or subcontractor does not have a certified trainer on staff, the longer of 30 days and until the date of the next available and appropriate training by the Department of Labor that occurs within a 2-hour drive of the work site;

4. Allow the Director of the Bureau of General Services to refuse to release plans and specifications to a contractor or subcontractor for the purpose of bidding on a future project if the contractor or subcontractor has violated the training requirements;

5. Increase the minimum size of contracts affected by the bill from $10,000 to $100,000; and

6. Add an appropriation section to the bill.

This amendment was not adopted.

Committee Amendment "A" (H-491) proposed to:

1. Eliminate the penalties of removal of workers and cancellation of the contract;

2. Allow the Director of the Bureau of General Services within the Department of Administrative and Financial Services to deduct penalties assessed to contractors and subcontractors from contract payments for public works;

3. Afford contractors and subcontractors 30 days to correct a failure to provide the required training or, if the contractor or subcontractor does not have a certified trainer on staff, the longer of 30 days and until the date of

the next available and appropriate training by the Department of Labor that occurs within a 2-hour drive of the work site; and

4. Allow the Director of General Services to refuse to release plans and specifications to a contractor or subcontractor for the purpose of bidding on a future project if the contractor or subcontractor has violated the training requirements.

This amendment was not adopted.

LD 1654 **An Act To Prevent the Loss of Jobs through Outsourcing** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

LD 1654, a concept draft pursuant to Joint Rule 208, proposed to enact a variety of measures that would serve to prevent or reduce the loss of jobs in the State through outsourcing.

LD 1699 **Resolve, To Direct the Department of Labor To Coordinate a Task Force To Examine and Study Issues Relating to Workplace Safety and Workplace Violence** **RESOLVE 167**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	OTP-AM	H-828

LD 1699, a concept draft pursuant to Joint Rule 208, proposed to improve workplace safety and eliminate workplace violence by:

1. Requiring the Department of Labor to develop a policy on violence in the workplace;

2. Requiring the policy to be posted in all places of employment;

3. For employers with 15 or more employees, requiring education regarding the policy for new hires and managers;

4. Requiring security systems with “panic buttons” for those businesses that are open other than during regular business hours; and

5. Creating a task force to improve workplace safety and reduce workplace violence. Members of the task force would include representatives from law enforcement, business, the Department of Labor, the Maine Human Rights Commission, the Society for Human Resource Management or a similar association of human resource managers and an advocate for victims of workplace violence.

Committee Amendment “A” (H-828) proposed to replace the bill and make it a resolve. It proposed to require the Department of Labor to coordinate a task force to conduct a study of issues relating to the workplace for the purpose of making recommendations for legislation to improve workplace safety and reduce workplace violence.

The resolve would define the membership of the task force and would require it to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters with its findings, recommendations and any proposed implementing legislation.

Enacted law summary

Resolve 2005, chapter 167 requires the Department of Labor to coordinate a task force to conduct a study of issues relating to the workplace for the purpose of making recommendations for legislation to improve workplace safety and reduce workplace violence. The resolve defines the membership of the task force and requires it to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters with its findings, recommendations and any proposed implementing legislation.

LD 1715 **An Act To Amend the Laws Governing Employees of the Workers' Compensation Board** **PUBLIC 498**

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

LD 1715 proposed to add the position of Deputy Director of Information Management and the salary range of the position to the list of salary ranges of deputy directors of the Workers' Compensation Board.

Committee Amendment "A" (H-761) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 498 adds the position of Deputy Director of Information Management and the salary range of the position to the list of salary ranges of deputy directors of the Workers' Compensation Board.

LD 1719 **An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2007** **P & S 36 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-762

LD 1719 proposed to establish the annual administrative operating budget for the Maine State Retirement System for the fiscal year beginning July 1, 2006 and ending June 30, 2007. The budget would include total allocations of $10,958,309, of which $7,421,590 is attributed to the General Fund. It proposed to authorize a new expenditure of $200,000 toward the cost of a complete line-of-business automated computer system that, among other uses and functions, will replace the current benefits payroll technology.

Committee Amendment "A" (H-762) proposed to incorporate a fiscal note.

Enacted law summary

Private and Special Law 2005, chapter 36 establishes the annual administrative operating budget for the Maine State Retirement System for the fiscal year beginning July 1, 2006 and ending June 30, 2007. The budget includes total allocations of $10,958,309, of which $7,421,590 is attributed to the General Fund. It authorizes a new expenditure of $200,000 toward the cost of a complete line-of-business automated computer system that, among other uses and functions, will replace the current benefits payroll technology.

Private and Special Law 2005, chapter 36 was enacted as an emergency measure effective July 1, 2006.

LD 1747 **An Act To Assist Maine Military Families** **PUBLIC 523 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER FISHER	OTP-AM	S-492

LD 1747, containing emergency clauses, proposed to require an employer with 50 or more employees to provide up to 15 days per year of leave to an employee who is the spouse or parent of a Maine resident called to military service. The bill proposed that the leave may be unpaid and would only be available during the time federal or state deployment orders are in effect. The deployment would have to last longer than 180 days in order for a spouse or parent employee to be eligible. The spouse or parent employee would have to provide notice to the employer and could take leave under the section only if all other accrued vacation, personal and compensatory leave had been exhausted. The bill would require an employer to make it possible for a spouse or parent employee to continue employee benefits during leave taken and would provide a cause of action for enforcement and equitable relief.

Committee Amendment "A" (S-492) proposed to strike language in the bill that included independent contractors in the definition of "employee." It proposed to add domestic partners to the list of those who could take family military leave, to provide for leave on a deployment rather than calendar year basis and to change the time period during which the leave may be taken. The amendment also would strike the requirement that other leave be exhausted before family military leave could be taken.

Enacted law summary

Public Law 2005, chapter 523 requires an employer with 50 or more employees to provide leave to an employee who is the spouse, domestic partner or parent of a Maine resident deployed for military service. The leave may be unpaid and is available for up to 15 days immediately prior to or following each deployment. The deployment must last longer than 180 days in order for a spouse, domestic partner or parent employee to be eligible and the employee must provide notice to the employer of the intended date of leave. The law requires the employer to make it possible for a spouse, domestic partner or parent employee to continue employee benefits during leave taken and also provides a cause of action for enforcement and equitable relief.

Public Law 2005, chapter 523 was enacted as an emergency measure effective April 3, 2006.

LD 1758 **An Act To Require the Maine State Retirement System To Divest Itself of Holdings in Those Businesses or Corporations Doing Business in the Nation of Sudan and To Repeal Requirements Relating to Shareholder Initiatives by State Officials on State Investments in Northern Ireland** **PUBLIC 537**

Sponsor(s)	Committee Report		Amendments Adopted
STRIMLING	OTP-AM	MAJ	S-493
	ONTP	MIN	

LD 1758 proposed to require the Trustees of the Maine State Retirement System to review the extent to which assets of state pension and annuity funds are invested in the nation of Sudan and to divest itself of any such holdings. The bill would prohibit the Trustees from investing any assets in Sudan and cites extreme human rights abuses in that country.

Committee Amendment "A" (S-493) proposed to clarify that the divestment requirement and the investment prohibition apply to all companies doing business in or with the nation of Sudan or its instrumentalities. It proposed to add language allowing the Board of Trustees to divest in accordance with sound investment criteria and consistent with the Board's fiduciary obligations, and requiring divestment to be complete by January 1, 2008. It would provide an exemption for short-term investment funds which commingle commercial paper or futures, and for other commingled investment or index funds. The amendment proposed to require the Board to report annually to the Legislature on the progress of divestment and the implementation of the statutory section, and would provide for the sunset of the section on July 1, 2009. The amendment also would repeal 5 MRSA §1955, relating to stockholder initiatives by State officials on State investments in Northern Ireland.

Enacted law summary

Public Law 2005, chapter 537 requires the Board of Trustees of the Maine State Retirement System to review the extent to which assets of state pension and annuity funds are invested in companies doing business in or with the nation of Sudan or its instrumentalities and to divest itself of any such holdings. The law also prohibits the Board of Trustees from investing any assets in Sudan or such companies and cites extreme human rights abuses in that country. The law allows the Board to divest in accordance with sound investment criteria and consistent with its fiduciary obligations, and requires divestment to be complete by January 1, 2008. It provides an exemption for short-term investment funds that commingle commercial paper or futures and for other commingled investment or index funds. The law requires the board to report annually to the Legislature on the progress of divestment and the implementation of the statutory section and provides for the repeal of the section on July 1, 2009. It also repeals statutory provisions relating to shareholder initiatives by state officials on state investments in Northern Ireland.

LD 1794 **An Act To Improve the Maine Enterprise Option Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

LD 1794 proposed to amend the Maine Enterprise Option program to allow an individual to receive per diem compensation for work related to establishing a business and performance of self-employment assistance activities without incurring a reduction in the self-employment assistance allowance.

LD 1806 **An Act To Clarify Maine State Retirement System Benefits for Certain Legislators** **PUBLIC 516**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON	OTP-AM	H-824

LD 1806 proposed to clarify that a public school teacher, or an employee of the Maine Community College System, on leave of absence to serve in the Legislature, would be eligible to become a benefit recipient from the Maine State Retirement System (MSRS) upon the termination of the teaching position, and leave of absence, even if the individual continues to serve as a legislator. The bill proposed to clarify that a legislator in such circumstances becomes a member of the Maine Legislative Retirement System.

Committee Amendment "A" (H-824) proposed to clarify language in order to accomplish the purpose of the bill that a public school teacher, or an employee of the Maine Community College System, on leave of absence to serve in the Legislature, would be eligible to become a benefit recipient from the Maine State Retirement System (MSRS) upon the termination of the teaching position, and leave of absence, even if the individual continues to serve as a legislator.

Enacted law summary

Public Law 2005, chapter 516 clarifies that a public school teacher or an employee of the Maine Community College System, on leave of absence to serve in the Legislature, is eligible to become a benefit recipient of the Maine State Retirement System upon the termination of the teaching position, and leave of absence, even if the individual continues to serve as a legislator. A legislator in such circumstances becomes a member of the Maine Legislative Retirement System.

LD 1847 **Resolve, To Require the Department of Labor, in Consultation with Interested Parties, To Examine the Laws and Practices Regarding the Definition of "Employment" for Purposes of Unemployment Compensation** **RESOLVE 191**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM	H-937

LD 1847 proposed to alter the test (known as the "ABC" test) used to determine whether services performed by an individual for remuneration are deemed to be employment for purposes of the chapter of the statutes governing unemployment compensation. Current law provides that services performed are employment unless and until all three of the prongs of the test are met. The bill proposed to retain the requirement that the first prong be met – that the individual has been and will continue to be free from control or direction over the performance of the services, both under the individual's contract of service and in fact. The bill then proposed to take the remaining two prongs and, in effect, convert them into three options such that if any one of them is met (together with the first prong) then the services performed would not be deemed to be employment. The three options are:

1. The service is outside the usual course of the business for which that service is performed; or

2. The service is performed outside of all the places of business of the enterprise for which that service is performed; or

3. The individual is customarily engaged in an independently established trade, occupation, profession or business.

Committee Amendment "B" (H-937) proposed to strike the bill and replace it with a resolve. The Resolve would require the Department of Labor to conduct a study of the laws and practices regarding the definition of employment for purposes of unemployment compensation. The bill proposed to require the department to call upon interested parties in conducting its study, and to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters with its findings, recommendations and any proposed implementing legislation. This amendment was not adopted.

Committee Amendment "A" (H-839), the majority report of the Joint Standing Committee on Labor, proposed to strike the bill and replace it with a resolve. The Resolve would require the Department of Labor to conduct a study of the laws and practices regarding the definition of employment for purposes of unemployment compensation. The bill proposed to require the department to call upon interested parties in conducting its study, and to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters with its findings, recommendations and any proposed implementing legislation. This amendment was not adopted.

Enacted law summary

Resolve 2005, chapter 191 requires the Department of Labor to conduct a study of the laws and practices regarding the definition of "employment" for purposes of unemployment compensation. The department must call upon interested parties in conducting its study and submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters with its findings, recommendations and any proposed implementing legislation.

LD 1850 **An Act To Clarify the Change of Beneficiary Provision in the Maine State Retirement System Laws** **PUBLIC 560**

Sponsor(s)	Committee Report	Amendments Adopted
MILLETT	OTP-AM	H-921

LD 1850 proposed to allow a recipient of a reduced retirement benefit, who is granted a divorce either after retirement or before a retirement beneficiary is named, to elect a different beneficiary without obtaining the agreement of the spouse or former spouse who was originally named as the retirement beneficiary, provided the court-ordered disposition of property specifies that the recipient's service retirement benefit is set apart as the sole and exclusive property of the recipient.

Committee Amendment "A" (H-921) proposed to strike the bill and add language to clarify that the terms of qualified domestic relations orders must be followed in implementing the laws governing the Maine State Retirement System. The amendment proposed to specify that the rights of a beneficiary or other payee under the laws governing the Maine State Retirement System are subject to the terms of a qualified domestic relations order and that a qualified domestic relations order is presumed to be in compliance with all applicable requirements. The amendment would direct the Maine State Retirement System to give effect to the plain meaning of the terms of such an order despite any failure of the order to cite or reference statutory or rule provisions. The amendment proposed to make these changes retroactive to January 1, 1985. The amendment also proposed to make the limitations on the ability of a retiree under the Maine State Retirement System to change the beneficiary of that person in the case of a divorce apply only when the former spouse is named as retirement beneficiary at the time the divorce is granted.

Enacted law summary

Public Law 2005, chapter 560 specifies that the rights of a beneficiary or other payee under the laws governing the Maine State Retirement System are subject to the terms of a qualified domestic relations order, in order to clarify that the terms of qualified domestic relations orders must be followed in implementing the laws governing the Maine State Retirement System. The law also provides that a qualified domestic relations order is presumed to be in compliance with all applicable requirements and directs the Maine State Retirement System to give effect to the plain meaning of the terms of such an order despite any failure of the order to cite or reference statutory or rule provisions. These provisions are retroactive to January 1, 1985. The law also makes the limitations on the ability of a retiree under the Maine State Retirement System to change the beneficiary of that person in the case of a divorce apply only when the former spouse is named as retirement beneficiary at the time the divorce is granted.

LD 1898 **An Act To Protect the Employment Rights of Military Reserve and National Guard Personnel** **PUBLIC 524**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M BRYANT B	OTP-AM	H-823

LD 1898 proposed to provide for time off from work for a member of the National Guard or the Reserves returning from a period of military training or service that is less than 31 days. The bill proposed that in such

circumstances a return to work is not mandated until the first full calendar day following the expiration of 72 hours after a period allowing for safe travel from the place of service to the member's residence. The bill also would provide for attorney's fees in any civil action for noncompliance.

Committee Amendment "A" (H-823) proposed to strike the bill and to prohibit an employer from requiring that a military member report back to work before the expiration of various periods of time depending on the length of the military member's service, following the completion of service and time for safe transportation home.

Enacted law summary

Public Law 2005, chapter 524 prohibits an employer from requiring that a military member report back to work before the expiration of a certain period of time, based on the length of the military member's service, following the completion of service and time for safe transportation home.

LD 1910 **An Act To Create Employment Opportunities for People with Disabilities** **PUBLIC 570**

Sponsor(s)	Committee Report	Amendments Adopted
LERMAN	OTP-AM	H-938

LD 1910 proposed the following:

1. To provide a nonrefundable state income tax credit to an employer for wages paid to employees with disabilities. The credit would be up to $3000 per employee during the first year of employment and up to $1,800 per employee during the second year of employment.

2. To provide a refundable 25% state earned income tax credit to a taxpayer with a disability.

3. To create a new Part 29 in Title 5, entitled "Employment of Individuals with Disabilities," and to require each state agency to review periodically the adequacy of hiring and advancement practices in the agency with respect to individuals with disabilities, to develop a plan by January 1, 2007 for increasing the opportunities for individuals with disabilities to be employed by the agency, to encourage the employment of individuals with disabilities in its outside contracts, to expand its outreach efforts to make individuals with disabilities aware of available employment opportunities at the agency and to increase its efforts to accommodate individuals with disabilities.

4. To direct the Department of Health and Human Services to amend its rules to provide greater flexibility for individuals with intellectual disabilities to receive day habilitation services and supportive employment services. The bill would provide that such rules are major substantive rules.

5. To direct the Department of Economic And Community Development and the Department of Labor to initiate jointly a media campaign designed to increase statewide awareness of issues affecting individuals with disabilities.

Committee Amendment "A" (H-938) proposed to direct the Department of Administrative and Financial Services, Bureau of Human Resources to reinstate, based on the availability of financial resources, the activities and functions previously associated with the position of Disability Employment Services Coordinator in order to

provide oversight and facilitation of duties relative to the employment of workers with disabilities in state agencies. The amendment also would require the Department of Health and Human Services and the Department of Labor to produce a report, in consultation with several disabilities services agencies and interested parties, regarding employment opportunities for individuals with developmental disabilities. Finally, the amendment proposed to strike language requiring the development of a media campaign and replace it with a requirement that the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, working jointly with the Department of Labor and the Department of Economic and Community Development, submit a report with recommendations regarding the funding and implementation of a media campaign and an employer outreach campaign.

Enacted law summary

Public Law 2005, chapter 570 creates a new Part 29 entitled “Employment of Individuals with Disabilities” in Title 5 of the Maine Revised Statutes and requires each state agency to:

1. Review periodically the adequacy of hiring and advancement practices in the agency with respect to individuals with disabilities;

2. Develop a plan by January 1, 2007 for increasing the opportunities for individuals with disabilities to be employed by the agency;

3. Encourage the employment of individuals with disabilities in its outside contracts;

4. Expand its outreach efforts to make individuals with disabilities aware of available employment opportunities at the agency; and

5. Increase its efforts to accommodate individuals with disabilities.

The law directs the Department of Administrative and Financial Services, Bureau of Human Resources to reinstate, based on the availability of financial resources, the activities and functions previously associated with the position of Disability Employment Services Coordinator in order to provide oversight and facilitation of duties relative to the employment of workers with disabilities in state agencies. The law also requires the Department of Health and Human Services and the Department of Labor to produce a report, in consultation with several disabilities services agencies and interested parties, regarding employment opportunities for individuals with developmental disabilities. Finally, the law directs the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, working jointly with the Department of Labor and the Department of Economic and Community Development, to submit a report with recommendations regarding the funding and implementation of a media campaign designed to increase statewide awareness of employment-related issues affecting individuals with disabilities and an employer outreach campaign designed to engage employers in discussions and information exchange about issues, services and support systems related to the employment of individuals with disabilities.

LD 1921 **An Act To Enable Local Adult Education Programs To Play a Greater Role in Helping Dislocated Workers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	ONTP	

LD 1921, a concept draft pursuant to Joint Rule 208, proposed to require the Department of Labor to include representatives of local adult education programs in planning and executing initiatives to assist dislocated workers in a community.

LD 1924 **An Act To Protect Workers from Political or Religious Intimidation** **ONTP**

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

LD 1924 proposed that an employer may not, directly or indirectly, appoint, demote, suspend, lay off, discharge, or in any manner change the official rank or compensation of an employee, or promise or threaten to take any such action, or harass, discipline, or coerce an employee because the employee gives support to or refuses to give support to any view or position on a religious or political matter, attends or refuses to attend an employer-sponsored meeting, the primary purpose of which is to communicate the employer's opinion about a religious or political matter, or participates in or refuses to participate in any communication, the primary purpose of which is to communicate the employer's opinion about a religious or political matter. The bill would prohibit an employer from retaliating against an employee for reporting violations in good faith. It would provide an exception when religious or political beliefs or communications are a bona fide part of the employee's job responsibilities. Finally, the bill proposed to create a civil violation and provide remedies to aggrieved employees, including treble damages and reasonable attorney's fees and costs.

Committee Amendment "A" (S-582), the minority report of the Joint Standing Committee on Labor, proposed to remove a reference to joining lawful social or community organizations as part of the bill's definition of a political matter. The amendment also proposed to remove the prohibition on employment actions based on religious views. It would delete subsections providing for a violation and enforcement and substitutes for them a subsection authorizing employee complaints to the Maine Human Rights Commission for violations of the section. Finally the amendment proposed to clarify that an employer may restrict political speech in the workplace during work hours and that the bill is not intended to infringe on rights under the National Labor Relations Act. This amendment was not adopted.

LD 2023 **An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the Definition of a Liveable Wage** **ONTP**

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

LD 2023, a recommendation of the Study Commission Regarding Liveable Wages, proposed that the Department of Labor annually calculate the liveable wage for various household sizes using the methodology of the Maine Center for Economic Policy and report the liveable wage calculations to the Legislature. The bill also would define "liveable wage."

Committee Amendment "A" (H-939), the majority report of the Joint Standing Committee on Labor, proposed to require the Department of Labor to report liveable wages calculations to the joint standing committee of the Legislature having jurisdiction over labor matters. The amendment also would add an appropriations and allocations section. This amendment was not adopted.

LD 2032 **Resolve, To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning Plans To Increase Wages to Maine Workers** **ONTP**

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

LD 2032, a resolve recommended by the Study Commission Regarding Liveable Wages, proposed that the Department of Labor, in consultation with the Department of Health and Human Services and the Department of Education, develop plans to increase wages to workers in Maine. It also would require the Department of Labor to submit annual progress reports on the plans to the joint standing committee of the Legislature having jurisdiction over labor matters.

Committee Amendment "A" (H-987), the majority report of the Joint Standing Committee on Labor, proposed to add the Department of Administrative and Financial Services, Bureau of Employee Relations to the list of state offices with whom the Department of Labor is required to consult in developing plans to increase wages. The amendment also would add an appropriations and allocations section. This amendment was not adopted.

LD 2068 **An Act Regarding the Maine Insurance Guaranty Association** **PUBLIC 603**

Sponsor(s)	Committee Report		Amendments Adopted	
SMITH W	OTP-AM	MAJ	H-941	
STRIMLING	ONTP	MIN	S-584	STRIMLING

LD 2068 proposed to make the Maine Insurance Guaranty Association subject to audit, enforcement and monitoring by the Workers' Compensation Board with respect to workers' compensation claims. Under the bill the association would be liable for the payment of any compensation, interest, penalty or other obligation determined to be due by the Workers' Compensation Board. The bill proposed to include interest and penalties in the claims the association is obligated to pay and proposed to add the association to those entities for which the Workers' Compensation Board has auditing and enforcement responsibility. LD 2068 also would require audits of the association to consider when the association obtained the records of an insolvent insurer. Finally, the bill proposed to make the association subject to penalties not to exceed $10,000 upon a finding by the board that the association has engaged in a pattern of questionable claims-handling techniques or repeated unreasonably-contested claims.

Committee Amendment "A" (H-941), the majority report of the Joint Standing Committee on Labor, proposed to clarify that the Maine Insurance Guaranty Association may not be assessed penalties for the acts or omissions of insolvent insurers.

Senate Amendment "A" to Committee Amendment "A" (S-584) proposed to strike the language that would allow the Workers' Compensation Board to assess civil penalties not to exceed $10,000 on the Maine Insurance Guaranty Association for engaging in a pattern of questionable claims-handling techniques or repeated unreasonably-contested claims.

House Amendment "A" to Committee Amendment "A" (H-972) proposed to strike the language that would allow the Workers' Compensation Board to assess civil penalties not to exceed $10,000 on the Maine Insurance Guaranty Association for engaging in a pattern of questionable claims-handling techniques or repeated unreasonably-contested claims. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 603 makes the Maine Insurance Guaranty Association subject to audit, enforcement and monitoring by the Workers' Compensation Board with respect to workers' compensation claims. The Association is liable for the payment of any compensation, interest, penalty or other obligation determined to be due by the Workers' Compensation Board. The law also includes interest and penalties in the claims the Association is obligated to pay and adds the Association to those entities for which the Workers' Compensation Board has auditing and enforcement responsibility. Finally, the law requires that the audits of the Association consider when the Association obtained the records of an insolvent insurer.

LD 2086 **An Act To Facilitate the Regionalization of Emergency Communications Dispatching Services** **PUBLIC 668**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-583
HANLEY S		

LD 2086 proposed that a member of the Maine State Retirement System whose previous membership was based upon employment as a public safety communications dispatcher with a participating local district and whose employment with the participating local district was terminated as a result of the consolidation of the participating local district's public safety dispatching services with the Department of Public Safety and who then becomes employed as a public safety communications dispatcher for the department may elect to include that previously earned creditable service with service earned as a state employee under certain conditions.

Committee Amendment "A" (S-583) proposed to clarify that a member of the Maine State Retirement System under the provisions of the bill may make an election to include previous creditable service with current service as long as the member has accumulated contributions, even though contributions may have been withdrawn by that member in the past.

Enacted law summary

Public Law 2005, chapter 668 provides that a member of the Maine State Retirement System whose previous membership was based upon employment as a public safety communications dispatcher with a participating local district and whose employment with the participating local district was terminated as a result of the consolidation of the participating local district's public safety dispatching services with the Department of Public Safety and who then becomes employed as a public safety communications dispatcher for the department may elect to include that previously earned creditable service with service earned as a state employee under certain conditions.

LD 2092 **An Act To Allow A Second Opportunity for Retired Teachers To Elect To Rejoin the Teacher Group Accident and Sickness and Health Insurance Plan** **PUBLIC 666**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	OTP-AM	H-986
MARTIN		S-690 ROTUNDO

LD 2092 proposed that a person, whose previous employment service terminated due to the elimination of the person's position as a result of the closure of a school where the person was employed, may make one additional election to rejoin the state employee group health insurance plan, which election may be exercised at any time after the person's retirement.

Committee Amendment "A" (H-986) proposed to move the bill language to the statutory chapter that governs retired teachers' health insurance and to clarify that the 2nd election opportunity is provided only to teachers and is to rejoin the Teacher Group Accident and Sickness and Health Insurance Plan.

Senate Amendment "A" to Committee Amendment "A" (S-690) proposed to limit the 2nd election opportunity to teachers in School Administrative District Number 10 only.

Enacted law summary

Public Law 2005, chapter 666 provides that a teacher, whose previous service terminated due to the elimination of the teacher's position as a result of the closure of a school in School Administrative District Number 10 where the teacher was employed, may make one additional election to rejoin the Teacher Group Accident and Sickness and Health Insurance Plan, which election may be exercised at any time after the teacher's retirement.

LD 2098 **An Act Authorizing Participation in the State Group Health Plan for Retiring Legislators** **ONTP**

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

LD 2098 proposed that any Legislator who reaches normal retirement age and retires from the Legislature may be covered under the state group health plan regardless of whether or not the Legislator participated in a retirement system administered by the Board of Trustees of the Maine State Retirement System. The bill proposed to require the retroactive pro rata payment of the amount of contributions the Legislator would have made if covered under the plan

Committee Amendment "A" (H-1039), the minority report of the Joint Standing Committee on Labor, proposed that the new health coverage benefit be available only to those Legislators elected after July 1, 2006.

This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-1082) proposed to add an additional provision intended to ensure that a person is not required for financial reasons to choose between serving in the Legislature and receiving in full a disability annuity or payment to which the person is entitled. Under the amendment, a Legislator would file a written notice waiving compensation and expenses to which that Legislator is entitled in order to eliminate the consideration, application or use of those funds to reduce a federal or state disability annuity or payment. This amendment was not adopted.

LD 2109 **Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor** **RESOLVE 205 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-1040

LD 2109, a resolve, proposed the legislative review and authorization of portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment, a major substantive rule of the Department of Labor.

Committee Amendment "A" (H-1040), proposed to authorize the Department of Labor to finally adopt portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment, a provisionally adopted major substantive rule submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, as long as certain changes are made relating to the definition of "logging equipment" and to statutory cross references. The amendment proposed to require changes to clarify that "logging equipment" means harvesting equipment employed in certain uses and that the only transport equipment that meets the definition of "logging equipment" is equipment that may be used on-site to transport logs to roadside. The amendment also would require changes to remove language describing violations and specifying fines and classes of crimes and to replace it with statutory cross-references to the relevant civil and criminal violation provisions. Finally, the amendment would require changes to correct a typographical omission by inserting the word "proof" in section IV(B) of the rule and to remove section IV(B)(1) from the rule.

Enacted law summary

Resolve 2005, chapter 205 authorizes the Department of Labor to finally adopt portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment, a provisionally adopted major substantive rule submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, as long as certain changes are made relating to the definition of "logging equipment" and to statutory cross references. The law requires changes to clarify that "logging equipment" means harvesting equipment employed in certain uses and that the only transport equipment that meets the definition of "logging equipment" is equipment that may be used on-site to transport logs to roadside. The law also requires changes to remove language describing violations and specifying fines and classes of crimes and to replace it with statutory cross-references to the relevant civil and criminal violation provisions. Finally, the law requires changes to correct a typographical omission by inserting the word "proof" in section IV(B) of the rule and to remove section IV(B)(1) from the rule.

Resolve 2005, chapter 205 was passed as an emergency measure effective May 2, 2006.

LD 70 **An Act To Amend the Laws Governing the Funding of State Special Elections** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
BROWN	OTP-AM	H-354

LD 70 proposed to require the State to pay the cost of holding special elections allowed by the Legislature by reimbursing municipalities for the election costs directly incurred.

Committee Amendment "A" (H-354) proposed to replace the bill. It would have provided that the State reimburse municipalities for the costs of conducting a special election for the purpose of voting on bonds. Reimbursement rates would have been based on the population of a municipality.

LD 70 was carried over on the Special Appropriations Table from the First Special Session of the 122nd by S. P. 640.

LD 234 **An Act To Establish a Transparent Pricing Formula for Distilled Spirits** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	ONTP	

LD 234, a concept draft pursuant to Joint Rule 208, proposed to require that the pricing formula the State adopts for liquor be made available to the public. The State would be required to give notice of price changes and provide an opportunity for interested parties to make comments. The resulting liquor prices would be based upon an objective standard.

LD 329 **An Act Concerning Recognition of Qualified Political Parties** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
EDER	OTP-AM	H-161

LD 329 proposed that a recognized political party would be able to maintain its qualified status by either receiving 5% of the ballots cast for Governor or President in either of the 2 preceding general elections or maintaining an enrollment of members equal to 0.5% of all registered voters in the State.

Committee Amendment "A" (H-161) proposed to raise the percentage of registered voters a political party would need to have enrolled in order to achieve qualified party status from 0.5%, as proposed in the bill, to 1% according to at least one tabulation of registered voters in either of the 2 preceding elections.

LD 329 was carried over on the Special Appropriations Table from the First Special Session of the 122nd Legislature by S.P. 640.

LD 496 **An Act To Extend Term Limits** **DIED BETWEEN BODIES**

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

LD 496 proposed to extend the number of years of service authorized under the term limits law from 8 to 12 for Legislators. The bill would have required that the voters of the State vote on this matter at the statewide election held in the year 2005.

Committee Amendment "A" (H-729) proposed to replace the bill. This amendment proposed to repeal term limits for state Senators and members of the state House of Representatives subject to approval by voters at a referendum to be held in November 2006. The repeal would have applied to terms beginning December 6, 2006.

House Amendment "A" (H-811) proposed to clarify that the 8-year term limits would have applied to anyone serving in the 122nd Legislature. Persons elected for the first time or to a nonconsecutive term in the 123rd Legislature would have had term limits of 12 years. The amendment also proposed to change the referendum to make it coincide with the next general election in November.

LD 496 was carried over by the Legal and Veterans' Affairs Committee to the Second Regular Session of the 122nd Legislature.

House Amendment "A" to Committee Amendment "A" (H-733) proposed to present 3 questions to the voters of the State to vote on at the general election held in the year 2006. The first question would have been whether the voters wish to extend the number of years of service authorized under the term limits law from 8 to 16 for Legislators. The 2nd question would have been whether the voters wish to repeal term limits for state Senators and members of the House of Representatives. The 3rd question would have been whether the voters wish to retain the existing law that establishes term limits of 8 years for Legislators.

Senate Amendment "A" to Committee Amendment "A" (S-433) presents 3 questions to the voters of the State to vote on at the general election held in the year 2006. The first question is whether the voters wish to extend the number of years of service authorized under the term limits law from 8 to 16 for Legislators. The 2nd question is whether the voters wish to repeal term limits for state Senators and members of the House of Representatives. The 3rd question is whether the voters wish to retain the existing law that establishes term limits of 8 years for Legislators.

LD 560 **Resolve, Directing the Department of Public Safety To Study the Issues of Alcohol Regulation and To Review the Impact of Out-of-state Sales and Direct Distribution to Maine Consumers** **RESOLVE 206**

Sponsor(s)	Committee Report		Amendments Adopted	
LINDELL	ONTP	MAJ	H-1055	VALENTINO
PLOWMAN	OTP-AM	MIN	H-975	

LD 560 proposed to allow an out-of-state shipper to ship wine or malt liquor directly to a resident of this State who is 21 years of age or older for that resident's personal use.

Committee Amendment "A" (H-527), which was not adopted, was the minority report. It proposed to remove malt liquor from the language permitting shipment of alcoholic beverages directly to consumers and permits only wine to be directly shipped to a Maine resident from another state. It would limit the amount of wine a person can ship directly to residents of the State to 50 cases per year and to 5 cases per individual per year.

LD 560 was carried over by the Legal and Veterans' Affairs Committee to the Second Regular Session of the 122nd Legislature.

Committee Amendment "B" (H-975) proposed to replace the bill and was the minority report of the committee when the bill was taken up again after being carried over from the First Special Session. This amendment proposed to establish a wine connoisseur permit. This permit would provide that a person may have up to 12 cases of wine shipped from in-state or out-of-state wineries by way of a common carrier. The fee for a wine connoisseur permit would be $50 and the annual renewal fee would be $25. The holder of a wine connoisseur permit would be required to pay all applicable taxes and must retain records of wine shipments for 2 years. The amendment would require the holder of a permit to provide the nearest wine wholesaler the opportunity to obtain the wine. The wholesaler would have 48 hours to identify a retail location where that wine would become available for sale. This amendment would provide that the fee for the permit is waived if the applicant for the permit shows proof that the applicant made a purchase from a farm winery in Maine within the previous 6 months. Finally, this amendment proposed to grant routine technical rulemaking authority to the Department of Public Safety, Division of Liquor Licensing and Compliance to ensure that bottles of wine received using a wine connoisseur permit comply with the bottle deposit law.

House Amendment "A" to Committee Amendment "B" (H-1005), which was not adopted, proposed to establish a wine connoisseur permit. This permit would provide that a person may have up to 6 cases of wine per year shipped from a specialty wine permittee by way of a common carrier. The fee for a wine connoisseur permit would be $50 per year. The holder of a wine connoisseur permit would be required to pay all applicable taxes and must retain records of wine shipments for 2 years. This amendment would also grant routine technical rule-making authority to the Department of Public Safety, Division of Liquor Licensing and Compliance to ensure that bottles of wine received using a wine connoisseur permit comply with the bottle deposit law. The amendment would also establish a specialty wine permit. The permit would provide that a person who ferments, ages and bottles that person's own wine may ship up to 50 cases of wine to qualified wine connoisseur permittees during a 12-month period. The annual fee for a specialty wine permit would be $25. The amendment also proposed to grant routine technical rule-making authority to the bureau to ensure that specialty wine permittees sell and deliver the wine only to qualified wine connoisseur permittees and to include annual reporting guidelines in the rules.

House Amendment "B" to Committee Amendment "B" (H-1016), which was not adopted, proposed to replace the bill with a resolve. The resolve directs the Liquor Licensing and Tax Division within the Department of Public Safety to conduct a study and convene a meeting of interested stakeholders to review and study the laws of alcohol regulation, including the issues associated with out-of-state sales and direct distribution to consumers in the State. The study would require a report to the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters by January 30, 2007.

House Amendment "C" to Committee Amendment "B" (H-1055) proposed to replace the bill with a resolve. The resolve directs the Liquor Licensing and Tax Division within the Department of Public Safety to conduct a study and convene a meeting of interested stakeholders to review and study the laws of alcohol regulation, including the issues associated with out-of-state sales and direct distribution to consumers in the State. The study would require a report to the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters by January 30, 2007.

Enacted Law Summary

Resolve 2005, chapter 206 directs the Liquor Licensing and Tax Division within the Department of Public Safety to conduct a study and convene a meeting of interested stakeholders to review and study the laws of alcohol regulation, including the issues associated with out-of-state sales and direct distribution to consumers in the State. The study requires a report to the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters by January 30, 2007.

LD 1112 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Legislative Term to 4 years** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	ONTP	

LD 1112, a Resolution to amend the Constitution of Maine, proposed to change Legislators' terms to 4 years in time for the general election in 2006. Under this proposal, the Legislature would meet every year, but business in the 2nd year and 4th year would be restricted as it is presently in the 2nd year.

LD 1145 **An Act To Allow Tournament Games for Charitable Purposes** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK BRYANT B	OTP-AM	H-550

LD 1145 proposed to authorize nonprofit organizations and federally recognized Indian tribes who are licensed to conduct high-stakes beano to conduct Texas hold 'em poker games in which a player must pay a $100 fee to play, of which $25 goes to the nonprofit organization or Indian tribe.

Committee Amendment "A" (H-550) proposed to replace the bill and change the title. The amendment would have authorized the Chief of the State Police to issue tournament licenses to organizations eligible to conduct beano and games of chance. Seventy-five percent of the proceeds after the payment of prizes would have been required to go to a charity designated in the application submitted to the Chief of the State Police. An organization would have been limited to one license every 2 months. The maximum entry fee would have been $100 and the maximum number of players is 100. The license fee would have been $5 per tournament player.

LD 1145 was carried over on the Special Appropriation s Table from the First Special Session of the 122nd Legislature by S.P. 640.

LD 1596 **An Act Regarding the Maine Clean Election Act** **PUBLIC 542 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
GAGNON	OTP-AM	S-521

LD 1596 proposed to provide for the creation of caucus campaign committees established to support the election of candidates and determine legislative leadership of the 2 major parties in the House of Representatives and the Senate. This bill would have prohibited a Maine Clean Election Act candidate from participating in political action committees, except that a Maine Clean Election Act candidate would have been permitted to solicit contributions for a caucus campaign committee.

Committee Amendment "A" (S-521) proposed to replace the bill and accomplish the following:

1. Provide for an increased penalty for not including information about who paid for a political communication with intent to mislead;

2. Provide that municipal candidates may dispose of surplus campaign funds by making a gift to the municipality as state candidates may dispose of surplus campaign funds by making a gift to the State;

3. Clarify that a candidate participating in the Maine Clean Election Act and all agents of the candidate may not use public funds for anything other than campaign-related purposes;

4. Require candidates to deposit Maine Clean Election Act funds into a bank account or other financial institution account;

5. Require Maine Clean Election Act candidates to keep vendor invoices and cancelled checks or other proof of payment to vendors for expenditures of $50 or more;

6. Require that a participating candidate keep account statements for 2 years after the candidate's last election;

7. Authorize the Commission on Governmental Ethics and Election Practices to require the repayment of Maine Clean Election Act funds used by a campaign treasurer or consultant for other than campaign-related purposes; and

8. Add an appropriations and allocations section to transfer money from All Other to Personal Services within the Maine Clean Election Fund to pay for a support staff position for 9 months during the 2006 election year devoted primarily to auditing Maine Clean Election Act candidates.

Enacted law summary

Public Law 2005, chapter 542 amends the laws governing the use of Maine Clean Election Act funds by participating candidates as follows:

1. It provides for an increased penalty for not including information in required reports about who paid for a political communication with intent to mislead;

2. It provides that municipal candidates may dispose of surplus campaign funds by making a gift to the municipality as state candidates may dispose of surplus campaign funds by making a gift to the State;

3. It clarifies that a candidate participating in the Maine Clean Election Act and all agents of the candidate may not use public funds for anything other than campaign-related purposes;

4. It requires candidates to deposit Maine Clean Election Act funds into a bank account or other financial institution account;

5. It requires Maine Clean Election Act candidates to keep vendor invoices and cancelled checks or other proof of payment to vendors for expenditures of $50 or more;

6. It requires that a participating candidate keep account statements for 2 years after the candidate's last election;

7. It authorizes the Commission on Governmental Ethics and Election Practices to require the repayment of Maine Clean Election Act funds used by a campaign treasurer or consultant for other than campaign-related purposes; and

8. It provides for appropriations and allocations in order to transfer money from All Other to Personal Services within the Maine Clean Election Fund to pay for a support staff position for 9 months during the 2006 election year devoted primarily to auditing Maine Clean Election Act candidates.

Public Law 2005, chapter 542 was enacted as an emergency measure effective April 6, 2006.

LD 1627 **An Act To Allow Dual Liquor Licenses for On-premises Consumption and Off-premises Retail Sales** **ONTP**

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

LD 1627 proposed to allow dual liquor licenses for on-premises consumption and off-premises retail sales for fine wine stores that also prepare and sell food for consumption on their premises.

Committee Amendment "A" (S-518) proposed to replace the bill and was the minority report of the committee. It would have created a new license that allows a restaurant to have a license to sell wine for off-premises and on-premises consumption. The fee for this license would have been $420. Premises eligible for this license would have been required to carry at least 125 labels of wine for retail sale and generate at least 50% of their annual gross income from the sale of wine for off-premises consumption and would have been limited to 2,500 square feet. The holder of this license would have been prohibited from having a financial interest in any other establishment licensed to sell alcoholic beverages for either off-premises or on-premises consumption. This amendment also proposed to require that people employed by the licensed premises to sell wine for either off-premises or on-premises consumption complete a seller-server education course.

LD 1700 **An Act To Protect Military Families** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	OTP-AM	H-775

LD 1700 proposed to provide a $250,000 life insurance policy free to members of the Maine Army National Guard who go into combat zones.

Committee Amendment "A" (H-775) proposed to replace the bill. It would have required that the Commissioner of Defense, Veterans and Emergency Management reimburse members of the National Guard and Reserves assigned to a unit in Maine for the cost of monthly premiums paid to the Federal Government for supplemental life insurance. A member of the National Guard or Reserves assigned to a unit in Maine who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom during any month in the calendar year 2006 would have been eligible for reimbursement for each month deployed in that year regardless of the number of days served in that month.

Although LD 1700 was not enacted, the same provision proposed by Committee Amendment A was incorporated into the supplemental budget and enacted as Part W of Public Law 2006, chapter 519.

LD 1727 **An Act To Extend the Lobbyist Reporting Requirements to Executive Branch Lobbying Activities** **DIED BETWEEN BODIES**

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

LD 1727 proposed to amend the definition of "lobbying" under the lobbyist disclosure laws to ensure that all the reporting and disclosure requirements currently in place for lobbyists apply to individuals who lobby any official in the executive branch of State Government in addition to officials in the legislative branch and the Governor.

The bill also proposed to include communications regarding agency rules or proposed rules.

Committee Amendment "A" (H-923) proposed to replace the bill and was the minority report. It would have amended the definition of "lobbying" to include communication with state agency commissioners, commissioners'

designees and constitutional officers for the purpose of influencing any legislative action when reimbursement for expenditures or compensation is made for that communication.

This amendment provided that "lobbying" would not include time spent by any person providing information to or participating in a subcommittee, stakeholder group, task force or other work group regarding a legislative action by the appointment or at the request of the Governor, a Legislator or legislative committee, a constitutional officer, a state agency commissioner or the chair of a state board or commission as long as the person's regular employment does not otherwise include lobbying.

LD 1748 **An Act To Make Technical Changes to the Gambling Laws** **PUBLIC 663**

Sponsor(s)	Committee Report	Amendments Adopted
GAGNON	OTP-AM	S-488

LD 1748 proposed to make the following changes to the laws concerning gambling.

1. It would authorize members of the Department of Public Safety, Gambling Control Board to receive a per diem compensation of $35.

2. It would amend the definition of "gross slot machine income," establishes a definition of "net slot machine income" and amends the terms consistently to be consistent throughout the law.

3. It would establish a fixed fee for reregistration of slot machines and provides that changes to the section of law governing registration fees and terms are routine technical rules as long as the fees established under that section do not exceed $10,000.

4. It would establish the annual renewal fee of $75,000 for a slot machine distributor license, and clarifies that certain application fees are annual fees.

5. It would specify that $25,000 of the annual renewal fee for a slot machine operator must be deposited in a fund to be transferred to the municipality in which the slot machine is located.

6. It would provide that, notwithstanding the law governing abandoned property, a slot machine operator may not redeem credits earned on slot machines more than 365 days after issuance.

7. It would expand the definition of the crime of "unlawful gambling" to include gambling at slot machines by persons under 21 years of age, and requires that all income associated with a violation of unlawful gambling be forfeited to the State.

8. It would direct trained personnel of the Gambling Control Board to take fingerprints of persons seeking licensure under the Maine Revised Statutes, Title 8, chapter 31, and directs that such fingerprints be transmitted to the Department of Public Safety, State Bureau of Identification.

Committee Amendment "A" (S-488) proposed to clarify the definition of net slot machine income. It provided that the initial registration fee for employees of slot machine operators, slot machine distributors and gambling services vendors would be $250 while the annual renewal fee would be $25. It would clarify that a rule pertaining to fees for slot machines, slot machine distributors, slot machine operators, gambling services vendors and

employees is a routine technical rule if the rule proposes a fee of less than $10,000. The amendment would clarify a reference to unclaimed winnings, stating that they are retained by the slot machine operator and are not subject to the law governing unclaimed property. Finally, this amendment would provide that the Gambling Control Board receive per diem payment retroactive to August 1, 2004.

Enacted law summary

Public Law 2005, chapter 663 clarifies the definition of net slot machine income. It provides that the initial registration fee for employees of slot machine operators, slot machine distributors and gambling services vendors is $250 while the annual renewal fee is $25. It clarifies that a rule pertaining to fees for slot machines, slot machine distributors, slot machine operators, gambling services vendors and employees is a routine technical rule if the rule proposes a fee of less than $10,000. It also clarifies a reference to unclaimed winnings, stating that they are retained by the slot machine operator and are not subject to the law governing unclaimed property. Finally, chapter 663 provides that the Gambling Control Board receive per diem payment retroactive to August 1, 2004.

LD 1820 An Act To Allow Small Businesses To Participate in Liquor Sales PUBLIC 596

Sponsor(s)	Committee Report		Amendments Adopted	
MILLS J	OTP-AM	MAJ	H-821	
	ONTP	MIN	S-560	GAGNON

LD 1820 proposed to allow the division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the sale of liquor to license up to 4 agency liquor stores in a municipality with a population of 20,000 or less where a state liquor store has been closed. Current law allows 3 agency liquor stores in such a municipality.

Committee Amendment "A" (H-821) proposed to specify that when the licensing division within the Department of Public Safety considers issuing an agency liquor store license in a municipality eligible for 4 agency liquor store locations, for one of the 4 locations it would be required to give favorable consideration to applicants with retail space under 3,000 square feet, pedestrian access and the convenience of a downtown location.

House Amendment "A" to Committee Amendment "A" (H-854), which was not adopted, proposed to apply the factors specified in Committee Amendment "A" that must be considered by the licensing division within the Department of Public Safety when considering issuing an agency liquor store license to, not just one of 4 locations, but any application for an agency liquor store.

Senate Amendment "A" to Committee Amendment "A" (S-560) proposed to remove the provision of the bill that permitted an increase in the number of agency liquor stores in a town with a population of less than 20,000. This amendment would require that when determining the feasibility of the location of an agency liquor store the licensing division within the Department of Public Safety shall consider as part of its investigation the absence of an existing agency store with less than 3,000 square feet of retail space in a downtown location. The licensing division would not be required to consider the availability of parking spaces for the issuance of a license for such stores.

Enacted law summary

Public Law 2005, chapter 596 provides that when considering issuing a license for an agency liquor store, the licensing division of Department of Public Safety shall consider the absence of an existing agency store in a downtown location with less than 3,000 square feet of retail space. This law also provides that the licensing division is not required to consider the availability of parking spaces when issuing a license to a store with under 3,000 feet of retail space in a downtown location.

LD 1822 **An Act To Require the Commission on Governmental Ethics and Election Practices To Produce a Register of All Registered Lobbyists** **PUBLIC 613**

Sponsor(s)	Committee Report		Amendments Adopted	
CANAVAN	ONTP	MAJ	H-822	
	OTP-AM	MIN	S-622	PLOWMAN

LD 1822 was a concept draft pursuant to Joint Rule 208. This bill proposed to establish a register for all lobbyists, based on Wisconsin law that maintains records of individuals, who they work for and what organizations they represent; what legislation they are interested in; and how they voted on certain legislation.

Committee Amendment "A" (H-822) proposed to replace the bill, which was a concept draft. It was the minority report of the committee. The amendment proposed to make changes to the lobbyist disclosure laws and also requires a lobbyist disclosure website.

It would amend the definition of "lobbying" to include communicating with the Governor or an official in the legislative branch with regard to an issue or topic that is not the subject of legislative action when the purpose of that communication is to influence the position of the Governor, a Legislator or an official in the legislative branch. It would require that upon termination of employment of a lobbyist, the employer and the lobbyist would be responsible for completing and submitting any outstanding reports. It would require quarterly reporting as opposed to monthly reporting required by current law and strikes the annual reporting and monthly nonsession reporting requirements. The amendment would strike a provision that exempts a lobbyist from the penalty for failure to file if the lobbyist failed to file during a special session when no lobbying was performed. It would require that within 10 days of commencing lobbying activity, the lobbyist notify the Commission on Governmental Ethics and Election Practices of the legislative action, issue or topic that is subject to lobbying activity, including the position on the topic.

It also proposed to add the following to what is currently required by lobbying activity reports:

1. Lobbying activity on a particular issue relative to a part of a budget bill;

2. A reasonable estimate of the number of hours spent lobbying on each legislative action, issue, topic or other matter reported;

3. The position stated by the lobbyist on behalf of the employer, whether it be in favor, opposed, partially in favor or opposed or neither for nor against, or whether the issue is just being monitored by the lobbyist; and

4. That if $1,000 or more was spent on actions regarding a budget bill or topic not the subject of legislative action, that activity must be reported.

The amendment would have required the commission to create a publicly accessible website that would include:

1. A list of all persons who employed a lobbyist for the year;

2. A list of all lobbyists and lobbyist associates registered for the year;

3. A profile of lobbyists, including contact information, names of those employing the lobbyists and, if provided, photographs;

4. A profile of employers of lobbyists, including contact information and a list of the lobbyists they employ; and

5. For each employer, a listing of legislative actions, issues and topics that were the subject of lobbying that year.

This amendment also proposed to provide that the commission may keep all of the lobbyist registration fees it collects to cover the cost of administering the expanded reporting requirements and the lobbyist registration website. Under current law half of those fees go to the General Fund.

House Amendment "A" to Committee Amendment "A" (H-914), which was not adopted, proposed to:

1. Amend the definition of "lobbying" to include time spent in committee to monitor legislative actions;

2. Amend the definition of "lobbyist" by reducing the threshold of lobbying from 8 to 4 hours in a calendar month;

3. Strike the provision requiring an estimate of hours spent for each legislative action;

4. Change the number of days in which a lobbyist must notify the Commission on Governmental Ethics and Election Practices of lobbying activity from 10 days proposed in Committee Amendment "A" to 5 days; and

5. Provide that, for fiscal year 2006-07, all fees collected under the lobbying laws must go to the commission instead of 1/2 going to the General Fund.

House Amendment "B" to Committee Amendment "A" (H-946), which was not adopted, proposed to:

1. Amend the definition of "lobbying" to include time spent in committee to monitor legislative actions;

2. Amend the definition of "lobbyist" by reducing the threshold of lobbying from 8 to 4 hours in a calendar month for those persons who are specifically employed to lobby by other than the person's employer;

3. Require each lobbyist and lobbyist associate, including state agency employees, to provide a recent photograph, and permits a lobbyist or lobbyist associate to provide professional biographical information;

4. Clarify those activities for which disclosure is required by removing inconsistent new language;

5. Strike the provision requiring an estimate of hours spent for each legislative action; and

6. Provide that, for fiscal year 2006-07, 75% of all fees collected under the lobbying laws must go to the Commission on Governmental Ethics and Election Practices instead of 1/2 going to the General Fund.

House Amendment "C" to Committee Amendment "A" (H-962), which was not adopted, proposed to:

1. Amend the definition of "lobbyist" by reducing the threshold of lobbying from 8 to 4 hours in a calendar month for those persons who are specifically employed to lobby by other than the person's employer;

2. Require each lobbyist and lobbyist associate, including state agency employees, to provide a recent photograph, and requires the Commission on Governmental Ethics and Election Practices to determine other information that a lobbyist or lobbyist associate may provide for inclusion in the registration docket and on the disclosure website;

3. Clarify those activities for which disclosure is required by removing inconsistent new language;

4. Strike the provision requiring an estimate of hours spent for each legislative action; and

5. Provide that, for fiscal year 2006-07, 75% of all fees collected under the lobbying laws must go to the Commission on Governmental Ethics and Election Practices instead of 1/2 going to the General Fund.

House Amendment "D" to Committee Amendment "A" (H-1004), which was not adopted, proposed to remove the changes to the definition of "lobbying" as proposed in Committee Amendment "A" and remove references to "issue" as it pertains to lobbying.

This amendment also proposed to require each lobbyist and lobbyist associate, including state agency employees, to provide a recent photograph, and require the Commission on Governmental Ethics and Election Practices to determine other information that a lobbyist or lobbyist associate may provide for inclusion in the registration docket and on the disclosure website.

House Amendment "E" to Committee Amendment "A" (H-1057), which was not adopted, proposed to eliminate the provision that dedicated all of the lobbyist registration fee revenue to the Commission on Governmental Ethics and Election Practices and provide for a one-time transfer from the General Fund to the Commission on Governmental Ethics and Election Practices Other Special Revenue Funds account.

Senate Amendment "A" to Committee Amendment "A" (S-592), which was not adopted, proposed to remove the changes to the definition of "lobbying" as proposed in Committee Amendment "A" and remove references to "issue" as it pertains to lobbying.

Senate Amendment "B" to Committee Amendment "A" (S-595), which was not adopted, proposed to require a state employee or a state agency employee who is registered with the commission as a lobbyist to comply with all other requirements that apply to lobbyists under the law regarding other lobbyists.

Senate Amendment "C" to Committee Amendment "A" (S-603), which was not adopted, was modeled on New Hampshire law, that requires a registered lobbyist to wear a name tag when lobbying in the State House complex. This name tag would have required white lettering on a hunter orange background, be at least 1 1/2 inches high and 2 1/2 long and consist of the lobbyist's first and last name and the word "lobbyist" or the name of the organization represented in letters at least 1/4 inch high.

Senate Amendment "D" to Committee Amendment "A" (S-622) proposed to strike all of Committee Amendment "A" except that part that dealt with the registration docket and disclosure website and changes in that

section how often the docket needs to be updated from weekly to monthly and deletes the phrase "issues and topics" as it pertains to lobbying.

Enacted law summary

Public Law, chapter 613 creates a docket of registered lobbyists and a website for the public display of lobbyist registration information. The docket includes the name of each registered lobbyist, the person employing the lobbyist and the nature of the employer's business and a statement as to the compensation paid to the lobbyist. This docket must be updated monthly and must be indexed alphabetically by both the name of the lobbyist and the name of persons who employ lobbyists. This docket must be made available to the public during regular office hours of the Commission on Governmental Ethics and Election Practices. This law also directs the commission to establish a publicly accessible website that displays a list of lobbyists and their employers and a profile of each. For each employer of a lobbyist, the website must also list all of the legislative actions that were the subject of lobbying including links to the Legislature's website that provides summaries of legislative documents.

LD 1830 **An Act Regarding Promotional Materials and Mail-in Rebates for Spirits** **PUBLIC 503**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK MAYO	OTP-AM	H-776

LD 1830 proposed to clarify the law regarding promotions in agency liquor stores to allow licensees to offer for sale any package or combination of packages of spirits or use marketing promotions for spirits that the State Liquor and Lottery Commission has approved for use in the State as long as they conform to the standards of the Federal Alcohol Administration Act.

Committee Amendment "A" (H-776) proposed to change the title and replace the bill. It would remove a reference to state liquor stores with regard to combination packages of spirits approved by the State Liquor and Lottery Commission for sale in the State. The amendment would also provide that promotional materials, including mail-in rebates, designed to encourage consumer purchase of spirits, upon approval by the commission, may be offered by those whose spirits are listed by the commission. The amendment would specify that mail-in rebates for spirits must be redeemed by the manufacturer and may not exceed the purchase price of the spirits product.

Enacted law summary

Public Law 2005, chapter 503 clarifies the law regarding promotions in agency liquor stores. It provides that promotional materials, including mail-in rebates, designed to encourage consumer purchase of spirits, upon approval by the commission, may be offered for those spirits products that are listed by the commission. The law specifies that mail-in rebates for spirits must be redeemed by the manufacturer and may not exceed the purchase price of the spirits product. Finally, chapter 503 removes a reference to state liquor stores with regard to combination packages of spirits approved by the State Liquor and Lottery Commission for sale in the State.

LD 1838 **Resolve, Directing the Office of Substance Abuse To Study the Potential Use of Liquor License Fees and Liquor Taxes To Fund Efficient Delivery of Substance Abuse Treatment and Prevention Programs** **RESOLVE 142**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	OTP-AM	H-789

LD 1838 was a concept draft pursuant to Joint Rule 208. It proposed to create a progressive fee for certain liquor licensing based on the volume of sales.

Committee Amendment "A" (H-789) proposed to replace the bill with a resolve. The resolve would direct the Director of the Office of Substance Abuse within the Department of Health and Human Services to conduct a study examining potential sources of funding for the delivery of substance abuse prevention and treatment programs and to report the findings to the joint standing committees of the Legislature having jurisdiction over alcoholic beverage matters and substance abuse prevention and treatment program matters. The study would be required to include an examination of current funding of substance abuse prevention and treatment programs and their adequacy and the best practices for the delivery of such programs.

Enacted law summary

Resolve 2005, Chapter 142 requires the Director of the Office of Substance Abuse within the Department of Health and Human Services to conduct a study examining potential sources of funding for the delivery of substance abuse prevention and treatment programs and to report the findings to the joint standing committees of the Legislature having jurisdiction over alcoholic beverage matters and substance abuse prevention and treatment program matters. The study must include an examination of current funding of substance abuse prevention and treatment programs and their adequacy and the best practices for the delivery of such programs.

LD 1883 **An Act To Clarify the Liquor Laws** **PUBLIC 539**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK	OTP-AM	H-856

LD 1883 proposed to clarify obsolete language pertaining to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and the Department of Public Safety. It also would add a representative from the bureau to the Server Education Advisory Committee.

Committee Amendment "A" (H-777), which was not adopted, adds language to the bill to clarify that the State Liquor and Lottery Commission establishes the prices of spirits sold in the State. It also would have removed a reference to state discount liquor stores that were authorized by a section of law that has since been repealed.

Committee Amendment "B" (H-856) proposed to amend the definition of "low-alcohol spirits product" to mean a product containing spirits that has an alcohol content of 6% or less by volume. Current law defines a low-alcohol spirits product as a product containing spirits that has an alcohol content of less than 6% by volume.

The amendment also proposed to add language to the bill to clarify that the State Liquor and Lottery Commission establishes the prices of spirits sold in the State. It also would remove a reference to state discount liquor stores that were authorized by a section of law that has since been repealed.

Enacted law summary

Public Law 2005, chapter 539 removes obsolete language from current law pertaining to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and the Department of Public Safety and adds a representative from the bureau to the Server Education Advisory Committee. It also amends the definition of "low-alcohol spirits product" to mean a product containing spirits that has an alcohol content of 6% or less by volume. Current law defines a low-alcohol spirits product as a product containing spirits that has an alcohol content of less than 6% by volume. Chapter 539 clarifies that the State Liquor and Lottery Commission establishes the prices of spirits sold in the State and removes a reference to state discount liquor stores that were authorized by a section of law that has since been repealed.

LD 1889 **An Act To Amend the Election Laws** **PUBLIC 568**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
FISHER	OTP-AM	H-866
		H-888 GLYNN

LD 1889 proposed to restore the voter address confidentiality provisions and requirements for counting valid write-in votes that were eliminated during the First Regular Session of the 122nd Legislature. This bill would grant authority for the municipal clerk to conduct the duties of the registrar of voters and removes a redundant provision about the certification of the list of absentee voters. The bill would also prohibit a candidate from assisting voters who are unable to sign their own names with signing candidate petitions or Maine Clean Election Act forms. This bill would clarify that township voters may choose the most convenient municipality in which to register to vote only if the county commissioners have not provided for a voting place either in the township or in another municipality. This bill would remove an inconsistent provision for the retention of voter registration documents and make a technical change to the ballot retention period. This bill would also change certain requirements for reporting to the Secretary of State by qualified political parties and the municipal clerks. This bill would prohibit the unauthorized reproduction of unmarked official ballots. The bill would make changes to the zones in which political activities are restricted, both for Election Day and for absentee voting.

Committee Amendment "A" (H-866) proposed to add a mandate preamble to the bill and make a technical change.

House Amendment "A" (H-888) proposed to reduce from 250 feet to 100 feet the zone around a voting place, registrar's office or clerk's office on Election Day or for absentee voting in which political activities are restricted. This amendment would restore the zone to 250 feet.

Enacted law summary

Public Law 2005, chapter 568 restores the voter address confidentiality provisions and requirements for counting valid write-in votes that were eliminated during the First Regular Session of the 122nd Legislature. This law grants authority for the municipal clerk to conduct the duties of the registrar of voters and removes a redundant

provision about the certification of the list of absentee voters. The law also prohibits a candidate from assisting voters who are unable to sign their own names with signing candidate petitions or Maine Clean Election Act forms. This law clarifies that township voters may choose the most convenient municipality in which to register to vote only if the county commissioners have not provided for a voting place either in the township or in another municipality. The law also removes an inconsistent provision for the retention of voter registration documents and makes a technical change to the ballot retention period provision. Chapter 568 changes certain requirements for reporting to the Secretary of State by qualified political parties and the municipal clerks and prohibits the unauthorized reproduction of unmarked official ballots.

Public Law 2005, chapter 568 was enacted as an emergency measure effective April 11, 2006.

LD 1894 **An Act To Allow Independent Wineries To Serve Wine at Trade Shows** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUNN PERRY J	ONTP	

LD 1894 proposed to amend the laws governing Maine farm wineries. Farm wineries are limited in the amount of wine they may produce in a year – 50,000 gallons. Farm wineries are treated differently than larger wine manufacturers in that they may sell or deliver their product directly to retailers and on-premises licensees as opposed to going through a wholesaler. They may also offer complimentary samples of their wine at the winery unlike larger manufacturers. This bill proposed to permit the holder of a farm winery license to offer samples at trade shows. This bill would define a trade show as an event at which goods and services of a specific industry are exhibited including but not limited to a public wine-tasting at a licensed retail store or restaurant.

LD 1899 **An Act To Require the Display of POW-MIA Flags at Courthouses** **PUBLIC 658**

Sponsor(s)	Committee Report	Amendments Adopted
BOWLES WOODCOCK	OTP-AM	H-827 S-701 ROTUNDO

LD 1899 proposed to allow District Courts, Superior Courts and the Supreme Judicial Court to display the POW-MIA flag whenever the flag of the United States is flown.

Committee Amendment "A" (H-827) proposed to replace the bill. It would require courthouses owned by the State to display the prisoner of war - missing in action flag on Former Prisoner of War Recognition Day and 6 national holidays. It also would provide that a courthouse owned by the State may display the flag on any other day in addition to those required. It would also add an appropriations and allocations section.

Senate Amendment "A" to Committee Amendment "A" (S-701) proposed to strike the appropriations and allocations section from the committee amendment.

Enacted law summary

Public Law 2005, chapter 658 requires courthouses owned by the State to display the Prisoner of War – Missing in Action flag on Former Prisoner of War Recognition Day and 6 national holidays. It also provides that a courthouse owned by the State may display the flag on any other day in addition to those required.

LD 1900 **An Act To Allow the Importation of Wine** **ONTP**

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

LD 1900 proposed to permit interstate and foreign suppliers to ship wine directly to Maine consumers.

Committee Amendment "A" (H-976) proposed to replace the bill and was the minority report of the committee. The amendment would create a direct shipper license that authorizes an in-state or out-of-state winery to ship wine directly to a person who is 21 years of age or older. It would require that shipments be conspicuously labeled as alcohol and be delivered by common carrier who must verify that the recipient is 21 years of age or older. That direct shipper would be required to pay all applicable sales and alcohol taxes and shall submit quarterly reports to the State Tax Assessor and the Department of Public Safety's division administering liquor licensing and taxation. The amendment proposed to provide that the holder of a direct shipper license must comply with the beverage container laws. The license fee for a direct shipper license proposed was $100 with a $50 annual renewal fee.

LD 1916 **An Act To Require That the Costs Associated with Enacting a Direct Initiative Appear on the Ballot** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
BOWLES	OTP-AM	H-797
COURTNEY		

LD 1916 proposed to require that the ballot on which citizen initiated legislation appears include a statement of the fiscal impact of the legislation on state revenues, appropriations and allocations, prepared by the Office of Fiscal and Program Review.

Committee Amendment "A" (H-797) proposed to clarify what is required in the fiscal statement that is to be included on the ballot with the direct initiative question.

LD 1929 **An Act To Strengthen Maine's Craft Brewing Industry** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

LD 1929 proposed to provide tax incentives to malt liquor brewers to encourage them to increase their employment in Maine and the amount of malt liquor produced in Maine and exported for sale outside of Maine.

Section 1 of this bill proposed to amend the provisions of the alcohol beverage laws governing manufacturers, stating that a person licensed by the bureau may contract with a brewery or small brewery to manufacture that person's malt liquor. Section 1 also proposed that the licensing criteria and fee would be established by routine technical rule.

Section 2 of this bill proposed to amend the premium tax provisions of Title 28-A and provide that a brewer who does manufacture beer in this state, exports it for sale out of state and pays excise tax is eligible for a tax credit of 17.5 cents per gallon. The tax credit would be applied to 90% of what is produced in the first year and would have decreased by 10% of what is produced for 9 subsequent years. An additional credit of 17.5 cents/gallon would be applied for each year if the brewer manufactured and exported 110% of what was produced the previous year. The bureau would be authorized to adopt routine technical rules to administer this tax credit provision.

Section 3 of this bill proposed to amend the tax code regarding employment tax paid by manufacturers of malt liquor. Section 3 proposed to allow a 50% credit against the withheld state taxes on an employers wages for each employee employed in the state above the number employed by the brewer in its base year (which would be 2005 or the first year in business whichever is later). The credit would expire January 1st, 2017. Section 3 would also authorize the Bureau of Revenue Services to adopt routine technical rules to administer the credit.

LD 1993 **An Act Regarding Testimony Presented to Joint Select and Joint Standing Committees of the Legislature by Persons Paid To Testify** **PUBLIC 562**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	OTP-AM	H-904
BARTLETT		

LD 1993 proposed to require that a person who testifies before a legislative committee must disclose a financial interest that may or does affect the person's testimony.

Committee Amendment "A" (H-904) proposed to replace the bill and change the title. It would require a lobbyist or lobbyist associate to disclose the name of the person or organization represented when testifying before a joint select or joint standing committee of the Legislature. It would also require the lobbyist or lobbyist associate to disclose whether the lobbyist or lobbyist associate or the person or organization represented is compensating a person who is testifying before a joint select or joint standing committee of the Legislature. The amendment would provide that alleged violations of this requirement may be reported to the Commission on Governmental Ethics and Election Practices in accordance with the Joint Rules of the Legislature.

Enacted law summary

Public Law 2005, chapter 562 requires a lobbyist or lobbyist associate to disclose the name of the person or organization represented when testifying before a joint select or joint standing committee of the Legislature. It also requires the lobbyist or lobbyist associate to disclose whether the lobbyist or lobbyist associate or the person or organization represented is compensating a person who is testifying before a joint select or joint standing committee of the Legislature. Chapter 562 provides that alleged violations of this requirement may be reported to the Commission on Governmental Ethics and Election Practices in accordance with the Joint Rules of the Legislature.

LD 2013 **Resolve, Regarding a Monument for Women Veterans of Maine** **RESOLVE 215 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL CANAVAN	OTP	

This resolve proposed to amend Resolve 2005, chapter 116 to extend the Commission to Arrange for a Monument Honoring Women Veterans of Maine until December 7, 2006

It would deallocate funds from the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to be reallocated to the commission to pay for the meetings of the commission. The resolve includes an emergency preamble and emergency clause. It would also make the resolve retroactive to September 15, 2005.

Enacted law summary

Resolve 2005, chapter 215 amends Resolve 2005, chapter 116 to extend the Commission to Arrange for a Monument Honoring Women Veterans of Maine until December 7, 2006.

It deallocates funds from the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to be reallocated to the commission to pay for the meetings of the commission. It also makes the resolve retroactive to September 15, 2005.

Resolve 2005, chapter 215 was finally passed as an emergency measure effective May 30, 2006.

LD 2029 **An Act To Implement the Recommendations of the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access** **PUBLIC 575**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-526

LD 2029 proposed changes to current law as proposed in the final report of the Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access as created in Resolve 2005, chapter 127. This bill would require payment to a person for circulating a petition for a direct initiative to be itemized on required campaign finance reports. This bill would clarify that contributions and expenditures made for the purpose of supporting or opposing a citizen-initiated referendum during the signature gathering phase are required to be reported like other contributions and expenditures. This bill would also require a report from the Commission on Governmental Ethics and Election Practices regarding the reporting of campaign finances relative to direct initiative campaigns. It would require a report from the Secretary of State examining ways to improve the way the State provides information to voters about referenda that will appear on the ballot. This bill also proposed to direct the Secretary of State to work with the Commission on Governmental Ethics and Election Practices towards making information currently available about direct initiative efforts and campaigns for or against those direct initiatives or campaigns more accessible to the public by providing links on the Secretary of State's or commission's publicly accessible websites directing people to information posted on the other agency's website.

Committee Amendment "A" (S-526) proposed to add a section to the bill to require an applicant for a direct initiative or people's veto to provide a copy of the laws and rules governing the circulation of petitions for a direct initiative or people's veto to each person who will be circulating petitions.

Enacted law summary

Public Law 2005, chapter 575 includes changes to current law as proposed in the final report of the Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access as created in Resolve 2005, chapter 127. It requires payment made to a person for circulating a petition for a direct initiative to be itemized on required campaign finance reports. This law clarifies that contributions and expenditures made for the purpose of supporting or opposing a citizen-initiated referendum during the signature gathering phase are required to be reported like other contributions and expenditures. It also requires a report from the Commission on Governmental Ethics and Election Practices regarding the reporting of campaign finances relative to direct initiative campaigns. It also requires a report from the Secretary of State examining ways to improve the way the State provides information to voters about referenda that will appear on the ballot. Chapter 575 directs the Secretary of State to work with the Commission on Governmental Ethics and Election Practices towards making information currently available about direct initiative efforts and campaigns for or against those direct initiatives or campaigns more accessible to the public by providing links on the Secretary of State's or commission's publicly accessible websites directing people to information posted on the other agency's website.

Finally, chapter 575 requires an applicant for a direct initiative or people's veto to provide a copy of the laws and rules governing the circulation of petitions for a direct initiative or people's veto to each person who will be circulating petitions.

LD 2033 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Clarify Deadlines for Submitting Direct Initiatives to Municipal Officials for Signature Verification** **CON RES 2**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ	H-895 PATRICK
	ONTP MIN	S-513
		S-544 PLOWMAN

This resolution proposes to amend the Constitution of Maine to specify that signatures on a citizen's petition for direct initiative of legislation that are submitted to municipal officials for signature certification after the deadline established in the Constitution are invalid. This resolution also eliminates language specifically invalidating signatures that are older than one year.

Committee Amendment "A" (S-513) replaced the bill and propose to amend the Constitution of Maine to specify that signatures on a citizens' petition for direct initiative or people's veto of legislation must be submitted to municipal or state officials by the deadline established in the Constitution in order to be certified. This resolution would also require that a petition for a direct initiative must be filed with the Secretary of State no later than 18 months after the Secretary of State approves the form of the petition.

House Amendment "A" to Committee Amendment "A" (H-895) proposed to clarify that the establishment of an 18-month period in which a direct initiative petition may be circulated is in conjunction with when it is due to the Secretary of State's office.

Senate Amendment "A" to Committee Amendment "A" (S-544) proposed to amend Committee Amendment "A" by maintaining the provision in the Constitution of Maine requiring the officials to return certified petitions to circulators.

Enacted law summary

Constitutional Resolution 2005, chapter 2 proposes to amend the Constitution of Maine to specify that signatures on a citizens' petition for direct initiative or people's veto of legislation must be submitted to municipal or state officials by the deadline established in the Constitution in order to be certified. This resolution also requires that a petition for a direct initiative must be filed with the Secretary of State no later than 18 months after the Secretary of State approves the form of the petition.

LD 2067 | **Resolve, Regarding Legislative Review of Portions of Chapter 520: Rules Regarding Publication of Public Comments on Statewide Referenda, a Major Substantive Rule of the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions** | **RESOLVE 180 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-905

LD 2067 proposed to provide for legislative review of portions of Chapter 520: Rules Regarding Publication of Public Comments on Statewide Referenda, a major substantive rule of the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions.

Committee Amendment "A" (H-905) proposed to direct the Secretary of State to amend the provisionally adopted major substantive rule regarding publication of public comments on statewide referenda in the following ways:

1. With regard to the payment required for publication, the language must be changed so that cash is not included as a method of acceptable payment. Language must be changed to require that comments are due by 5:00 p.m. on the day prescribed in the provisionally adopted rule; and

2. With regard to the rejection of comments submitted to be included in the Citizen's Guide, the language must be changed to provide a timeline by which the Secretary of State reviews the comments and then notifies the person that submitted the comments so that the submitter may correct the comments and resubmit them. This timeline must be similar to the one provided in Chapter 520, section 3.

Enacted law summary

Resolve 2005, chapter 180 directs the Secretary of State to amend the provisionally adopted major substantive rule regarding publication of public comments on statewide referenda in the following ways:

1. With regard to the payment required for publication, the language must be changed so that cash is not included as a method of acceptable payment. Language must be changed to require that comments are due by 5:00 p.m. on the day prescribed in the provisionally adopted rule; and

2. With regard to the rejection of comments submitted to be included in the Citizen's Guide, the language must be changed to provide a timeline by which the Secretary of State reviews the comments and then notifies the person that submitted the comments so that the submitter may correct the comments and resubmit them. This timeline must be similar to the one provided in Chapter 520, section 3.

Resolve 2005, chapter 180 was finally passed as an emergency measure effective April 11, 2006.

LD 1697 **An Act Regarding the Appointment of Harbor Masters** **PUBLIC 492**

Sponsor(s)	Committee Report		Amendments Adopted
HASTINGS	OTP-AM	MAJ	S-447
HAMPER	OTP-AM	MIN	

LD 1697 proposed to remove the requirement that municipal officers appoint a harbor master at the request of a single person.

Committee Amendment "A" (S-447) proposed to correct an incomplete cross reference and would clarify that:

1. Appointment of a harbor master by municipal officers of a town that borders or contains inland waters but does not border or contain territorial waters is discretionary;

2. Municipal authorities may set the compensation for harbor masters appointed under the Maine Revised Statutes, Title 12 which is consistent with harbor master provisions under Title 38;

3. An inland harbor master may not make arrests or carry a firearm unless that harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I; and

4. Regulation of moorings in inland waters is governed by the provisions of Title 38; the provision in Title 12 referencing the applicability of Title 38 to moorings in inland waters does not limit or expand a municipality's ability to regulate moorings as currently provided in law.

Committee Amendment "B" (S-448) proposed to require the municipal officers of a town bordering inland waters, on request by any person desiring mooring privileges or regulation of mooring privileges for watercraft, to appoint a harbor master.

Enacted law summary

Public Law 2005, chapter 492 provides that:

1. The appointment of a harbor master by municipal officers of a town that borders or contains inland waters but does not border or contain territorial waters is discretionary;

2. Municipal authorities may set the compensation for harbor masters appointed under the Maine Revised Statutes, Title 12 which is consistent with harbor master provisions under Title 38;

3. An inland harbor master may not make arrests or carry a firearm unless that harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I; and

4. Regulation of moorings in inland waters is governed by the provisions of Title 38; the provision in Title 12 referencing the applicability of Title 38 to moorings in inland waters does not limit or expand a municipality's ability to regulate moorings as currently provided in law.

LD 1764 **An Act To Amend the Statutes Governing the Commercial Fishing Safety Council** **PUBLIC 505**

Sponsor(s)	Committee Report		Amendments Adopted
DAMON	OTP-AM	MAJ	S-467
PERCY	ONTP	MIN	

LD 1764 proposed to make several changes to the Commercial Fishing Safety Council as requested by that council. It would also give the Commissioner of Marine Resources the authority to initiate rulemaking in order to adopt commercial fishing vessel safety regulations that have been proposed to the department by the safety council.

Committee Amendment "A" (S-467) proposed to clarify language regarding the contents of the commercial fishing safety plan and would require the Commissioner of Marine Resources and the Commercial Fishing Safety Council to jointly report to the Joint Standing Committee on Marine Resources by January 2, 2007 regarding any rule-making activity conducted pursuant to the Maine Revised Statutes, Title 12, section 6176.

Enacted law summary

Public Law 2005, chapter 505 makes the following changes to the Commercial Fishing Safety Council:

1. It changes the person responsible for making appointments to the council from the Governor to the Commissioner of Marine Resources;

2. It removes the requirement that 5 members of the council represent different commercial marine harvesting sectors to allow the appointment of more than one council member from the same sector;

3. It requires the Commercial Fishing Safety Council submit a commercial safety fishing plan to the Commissioner of Marine Resources by October 1st of each year and authorizes the commissioner to adopt commercial fishing safety rules recommended by the council.. Prior to Public Law 2005, chapter 505, the Commissioner of Marine Resources was required to submit such a plan to the Commercial Fishing Safety Council; and

4. It requires the Commissioner of Marine Resources and the Commercial Fishing Safety Council to jointly report to the Joint Standing Committee on Marine Resources by January 2, 2007 regarding any rule making activities pursuant to the Maine Revised Statutes, Title 12, section 6176.

LD 1786 **An Act to Allow Dragging in Lower Taunton Bay** **PUBLIC 466 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP	
PERCY		

LD 1786 proposed to allow dragging in the Taunton River area north of Sullivan Falls and south of the Route 1 bridge in the towns of Hancock and Sullivan in Hancock County. It also proposed to repeal this law on July 1, 2008.

Enacted law summary

Public Law 2005, chapter 466 allows dragging in the Taunton River area north of Sullivan Falls and south of the Route 1 bridge in the towns of Hancock and Sullivan in Hancock County. Public Law 2005, chapter 466 is repealed on July 1, 2008.

Public Law 2005, chapter 466 was enacted as an emergency measure effective February 2, 2006.

LD 1828 **An Act To Improve Water Monitoring at Clam Flats** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted
EMERY	OTP-AM	MAJ	H-784
RAYE	OTP-AM	MIN	

LD 1828 proposed to establish an additional Marine Resource Scientist I position that would be used for water monitoring purposes in Washington County.

Committee Amendment "A" (H-784) proposed to appropriate funds for the Public Health Division's Growing Area Classification Program and for the Biotoxin Monitoring Program to establish seven seasonal Conservation Aide positions and to provide necessary operational costs.

Committee Amendment "B" (H-785) proposed to appropriate funds for overtime costs within the Department of Marine Resources associated with monitoring water quality.

LD 1961 **An Act To Create a Tiered Wholesale Seafood Dealer's License** **PUBLIC 508 EMERGENCY**

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	H-802
	ONTP	MIN	

LD 1961 proposed to establish a tiered wholesale seafood dealer's license as required by Public Law 2005, chapter 434, section 14 by creating a limited wholesale shellfish harvester's license, which would allow a person holding a commercial shellfish license to sell on the wholesale market only the shellfish taken by the licensee.

Committee Amendment "A" (H-802) proposed to allow the holder of a limited wholesale shellfish harvester's license to sell, ship or transport that licensee's shellfish within and beyond the state limits and would set the fee at $100.

Enacted law summary

Public Law 2005, chapter 508 establishes a tiered wholesale seafood dealer's license by creating a limited wholesale shellfish harvester's license which allows a person holding this license and a commercial shellfish license to sell on the wholesale market only the shellfish taken by the licensee. It allows the licensee to, within or beyond the state limits, sell ship or transport in the wholesale trade the shellfish the licensee has harvested and sets the annual fee for the license at $100.

Public Law 2005, chapter 508 was enacted as an emergency measure effective March 24, 2006.

LD 2020 **An Act Relating to Elver Fishing** **PUBLIC 533 EMERGENCY**

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	H-847
	ONTP	MIN	
	OTP-AM	MIN	

LD 2020 proposed to reduce the number of elver fishing licenses that the Department of Marine Resources could issue for the 2006 season and would require the Commissioner of Marine Resources to establish by rule the total number of elver fishing licenses for subsequent years. It would also change the open season for elver fishing by moving it 2 weeks later in the calendar year.

Committee Amendment "A" (H-847) proposed to make only those who held an elver fishing license in 2006 eligible to obtain an elver fishing license in subsequent years. It would also require an elver dealer to report the total harvest of elvers received by that dealer annually to the Department of Marine Resources within 30 days of the close of the elver fishing season.

Committee Amendment "B" (H-848) proposed to make only those who held an elver fishing license in 2006 eligible to obtain an elver fishing license in subsequent years. It would establish a lottery system to issue elver

fishing licenses that were not renewed in 2007 or subsequent years to other eligible persons. It proposed to require elver dealers to report the total harvest of elvers they received to the Department of Marine Resources within 30 days of the close of the elver fishing season. Additionally, this amendment proposed to change the open season for elver fishing by moving it one week later in the calendar year and prohibits the setting of a fyke net within 15 feet of another fyke net.

Enacted law summary

Public Law 2005, chapter 533 provides that only those who held an elver fishing license in 2006 are eligible to obtain an elver fishing license in subsequent years. It also requires an elver dealer to report the total harvest of elvers received by that dealer annually to the Department of Marine Resources within 30 days of the close of the elver fishing season.

Public Law 2005, chapter 533 was enacted as an emergency measure effective April 4, 2006.

LD 2049 **An Act To Amend the Laws Regarding Aquaculture Leases** **PUBLIC 535 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY	OTP-AM	H-880

MAR

LD 2049 proposes to do the following:

1. Delete the 12-month minimum fallow time so that fallows may be of any duration;

2. Create a requirement for a reassessment schedule for a fallowing plan instead of an automatic annual reassessment; and

3. Amend the definition of "fallow" to allow gear at the lease site.

Committee Amendment "A" (H-880) proposed to do the following:

1. Increase the number of acres that can be actively used for aquaculture from an aggregate of 300 acres to an aggregate of 500 acres;

2. Authorize the Commissioner of Marine Resources to extend the 500-acre limit by rule but would limit the total acreage to 1,500 acres per person;

3. Delete the 12-month minimum fallowing tine so that fallows may be of any duration;

4. Give the Commissioner of Marine Resources the discretion to require a person in aquaculture to submit a fallowing plan and reassessment schedule. Under current law a person may be authorized to have up to 500 acres in aquaculture as long as at least 200 acres are fallowed and that person submits a fallowing plan to the Commissioner of Marine Resources;

5. Amend the definition of "fallow" to allow gear at the lease site; and

6. Add emergency language to make the bill effective upon enactment.

Enacted law summary

Public Law 2005, chapter 535 does the following:

1. It increases the number of acres that can be actively used for aquaculture from an aggregate of 300 acres to an aggregate of 500 acres;

2. It authorizes the Commissioner of Marine Resources to extend the 500-acre limit by rule but limits the total acreage to 1,500 acres per person;

3. It deletes the 12-month minimum fallowing time so that fallows may be of any duration;

4. It gives the Commissioner of Marine Resources the discretion to require a person in aquaculture to submit a fallowing plan and reassessment schedule. Prior to Public Law 2005, chapter 535, a person could be authorized to have up to 500 acres in aquaculture as long as at least 200 acres were fallowed and that person submitted a fallowing plan to the Commissioner of Marine Resources; and

5. It redefines "fallow" to allow gear at the lease site.

Public Law 2005, chapter 535 was enacted as an emergency measure effective April 4, 2006.

LD 2054 **An Act To Establish Harbor Master Training Requirements** **PUBLIC 525**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2054 was reported out as a committee bill pursuant to H.P. 1190 and would require a person appointed or reappointed a harbor master or a deputy harbor master after August 31, 2006 by a municipality that borders territorial waters to complete a basic harbor master training course within one year after being appointed or reappointed, unless that person had already completed such a course. It would also provide that the training requirement of a harbor master or deputy harbor master would be paid for by the person receiving that training but would also allow the municipality, at its discretion, to reimburse that person for those costs. This bill proposed to clarify that a municipality would retain the authority to require a harbor master or a deputy harbor master appointed by that town to obtain training in addition to the training required by this bill.

House Amendment "A" (H-834) proposed to exempt harbor masters serving in that position on August 31, 2006 from having to complete a basic harbor master training course.

Enacted law summary

Public Law 2005, chapter 525 requires a person appointed or reappointed a harbor master or a deputy harbor master by a municipality that borders territorial waters after August 31, 2006 to complete a basic harbor master training course within one year after being appointed or reappointed, unless the person has already completed

such a course. It also provides that the training requirement of a harbor master or deputy harbor master be paid for by the person receiving that training but allows the municipality at its discretion, to reimburse that person for those costs. Public Law 2005, chapter 525 provides that a municipality may require a harbor master or a deputy harbor master obtain training in addition to the basic harbor master training course.

LD 141 **An Act To Ensure Proper Disposal of Debris and Protection of the Environment** **PUBLIC 617 EMERGENCY**

Sponsor(s)	Committee Report		Amendments Adopted
MARTIN	OTP-AM	MAJ	S-573
TWOMEY	OTP-AM	MIN	

LD 141, which was carried over from the First Regular Session, proposed to ban the disposal in a landfill or in an incineration facility of debris resulting from construction, remodeling, repair and demolition of structures unless the structure from which the debris originated is or was located in this State.

Committee Amendment "A" (S-508) proposed to replace the bill. The amendment proposed to limit, beginning January 1, 2007, the amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler. Committee Amendment "A" was not adopted.

Committee Amendment "B" (S-509) proposed to replace the bill. The amendment proposed to establish moratoria on licenses to combust wood from construction and demolition debris and on licenses to process construction and demolition debris. Committee Amendment "B" was not adopted.

Committee Amendment "C" (S-573), the majority report, proposed to replace the bill. The amendment proposed to add an emergency preamble and clause. The amendment proposed to limit the amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler. The amendment also proposed to require the Board of Environmental Protection to adopt specific rules regarding beneficial use of solid waste, transfer stations and storage sites for solid waste, water quality monitoring, leachate monitoring, waste characterization and processing facilities. The amendment proposed to require the Department of Environmental Protection to evaluate the feasibility of requiring best available control technology, source separation and state-of-the-art processing of construction and demolition debris and to evaluate the effects of allowing more than 50% of construction and demolition debris wood fuel to be combusted on an average annual basis. The amendment also proposed to require the department to submit reports and proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to the reports.

Committee Amendment "D" (S-574), the minority report, proposed to replace the bill. The amendment proposed to establish moratoria on licenses to combust wood from construction and demolition debris and on licenses to process construction and demolition debris. Committee Amendment "D" was not adopted.

Enacted law summary

Public Law 2005, chapter 617 limits the amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler. It also requires the Board of Environmental Protection to adopt specific rules regarding beneficial use of solid waste, transfer stations and storage sites for solid waste, water quality monitoring, leachate monitoring, waste characterization and processing facilities. It requires the Department of Environmental Protection to evaluate the feasibility of requiring best available control technology, source separation and state-of-the-art processing of construction and demolition debris. It requires the department to evaluate the effects of allowing more than 50% of construction and demolition debris wood fuel to be

combusted on an average annual basis. It also requires the department to submit reports and authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to the reports.

Public Law 2005, chapter 617 was enacted as an emergency measure effective May 2, 2006.

LD 518 **An Act To Regulate Lead-smart Renovators and Lead Sampling Technicians** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUPLESSIE	ONTP	

LD 518, which was carried over from the First Regular Session, proposed to amend the licensing, training and insurance requirements for contractors who engage in renovation or remodeling work that involves lead-based paint.

LD 852 **Resolve, To Require the Department of Environmental Protection to Undertake Phosphorus Control in Toothaker Pond in Phillips** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO WOODCOCK	OTP-AM	H-192

LD 852, which was carried over from the First Regular Session, proposed to direct the Department of Environmental Protection to clean up Toothaker Pond in Phillips.

Committee Amendment "A" (H-192) proposed to direct the Department of Environmental Protection to undertake phosphorus control in Toothaker Pond in Phillips and proposed to appropriate $50,000 for that purpose.

LD 852 died on adjournment.

LD 1058 **An Act To Regulate the Use of Batteries Containing Mercury** **PUBLIC 509**

Sponsor(s)	Committee Report	Amendments Adopted
COWGER TWOMEY	OTP-AM	S-483

LD 1058, which was carried over from the First Regular Session, proposed to ban, after January 1, 2007, the sale in this State of novelties that contain batteries that contain mercury, such as light-up games, cards and adornments. In addition, this bill proposed to ban the disposal, after January 1, 2007, of button cell batteries in landfills and incinerators and to require that such batteries be packaged with information regarding proper disposal.

Committee Amendment "A" (S-483) proposed to replace the bill. The amendment would ban the sale, after June 30, 2011, of mercury-added button cell batteries and consumer products that contain mercury-added button cell batteries. It also would direct the Department of Environmental Protection to report, by January 15, 2009, on the state of the technology of mercury-free button cell batteries.

Enacted law summary

Public Law 2005, chapter 509 bans the sale, after June 30, 2011, of mercury-added button cell batteries and consumer products that contain mercury-added button cell batteries. It also directs the Department of Environmental Protection to report, by January 15, 2009, on the state of the technology of mercury-free button cell batteries.

LD 1327 **An Act To Prohibit the Use of Mercury Fillings** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

LD 1327, which was carried over from the First Regular Session, proposed to require the elimination of mercury in dental offices over a 3-year period. The bill also proposed to require dental schools to include in their curricula by January 2006 the risks of exposure to mercury. The bill also proposed to require a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings.

LD 1338 **Resolve, To Require the Reporting of Mercury Amalgam Supplied to Dentists** **RESOLVE 143**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM A	S-477
	OTP-AM B	
	ONTP C	

LD 1338, which was carried over from the First Regular Session, proposed to require the elimination of mercury in dental offices over a 3-year period. The bill also proposed to require dental schools to include in their curricula by January 2006 the risks of exposure to mercury. It also proposed to require a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings. It also proposed to require the Department of Environmental Protection to develop an education, outreach and assistance program for dentists and to require dentists to file an annual report with the department describing the quantities of mercury amalgam purchased, used and recycled from dry sources and wet sources. It also proposed to require the Department of Environmental Protection to establish rules for dental offices to limit mercury releases and to establish a penalty in the amount of not less than $10,000 nor more than $100,000 for a violation. It also proposed to require the Department of Environmental Protection to conduct a septic system study concerning the impact of dental mercury releases in rural areas.

Committee Amendment "A" (S-477), the majority report, proposed to replace the bill with a resolve. The amendment proposed to require any person that supplies mercury amalgam to dentists in Maine to report to the

Department of Environmental Protection for 3 years the volume of amalgam supplied. The amendment also proposed to require the department, in consultation with the Board of Dental Examiners, to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

Committee Amendment "B" (S-478), a minority report, proposed to ban the use of mercury fillings in children under 6 years of age and pregnant women beginning in 2007 and in all individuals beginning in 2008. Committee Amendment "B" was not adopted

Enacted law summary

Resolve 2005, chapter 143 requires any person that supplies mercury amalgam to dentists in Maine to report to the Department of Environmental Protection the volume of amalgam supplied. The reports must be submitted annually for 3 years. It also requires the department, in consultation with the Board of Dental Examiners, to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

LD 1535 **An Act Making Improvements to the Laws Regarding Local Land Use Ordinances** **PUBLIC 597**

Sponsor(s)	Committee Report		Amendments Adopted
KOFFMAN	OTP-AM	A	H-832
BROMLEY	OTP-AM	B	
	ONTP	C	

LD 1535, which was carried over from the First Regular Session, proposed to broaden and update the findings and purposes sections of the planning and land use control law to explicitly recognize that planning and land use regulation is a shared responsibility of State Government and local government. The bill also proposed to make changes in definitions of relevant terms and to rewrite the laws on rate of growth ordinances and clarify when rate of growth ordinances are allowed.

Committee Amendment "A" (H-832), the majority report, proposed to authorize a municipality to enact a rate of growth ordinance if the ordinance is consistent with a comprehensive plan, sets the number of permits allowed under the ordinance at a minimum of 105% of the mean number of permits issued during the prior 10 years and sets the number of permits allowed for affordable housing. It also proposed to require the number of permits allowed to be recalculated every 3 years and to make the law effective July 1, 2007.

Committee Amendment "B" (H-833), a minority report of the committee, proposed to authorize a municipality to enact one rate of growth ordinance in a 10-year period. It also proposed that the ordinance could not be for a term of more than 3 years and could not be extended. It also proposed that a municipality that has a rate of growth ordinance in effect on the effective date of this Act would not be required to wait 7 years before adopting another ordinance but could enforce the municipality's ordinance for up to 3 years after the effective date of this Act. The amendment also proposed to designate an effective date of July 1, 2007. Committee Amendment "B" was not adopted.

House Amendment "A" (H-966) proposed to strike the application section of the bill. House Amendment "A" was not adopted.

Enacted law summary

Public Law 2005, chapter 597 authorizes a municipality to enact a rate of growth ordinance if the ordinance is consistent with a comprehensive plan, sets the number of permits allowed under the ordinance at a minimum of 105% of the mean number of permits issued during the prior 10 years, sets the number of permits allowed for affordable housing and requires the number of permits allowed to be recalculated every 3 years. It also makes changes in definitions of relevant terms.

Public Law 2005, chapter 597 is effective July 1, 2007.

LD 1578 **An Act To Ensure Certain Protections to Communities Hosting Waste-to-energy Facilities** **ONTP**

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

LD 1578, which was carried over from the First Regular Session, proposed that a community that hosts a waste-to-energy facility may adopt its own reasonable rules on the transportation of solid waste, municipal solid waste, special waste and refuse-derived fuel through that community. It also proposed that an agreement between an incineration facility and a community must include certain provisions to protect that community.

Committee Amendment "A" (S-507), the minority report of the committee, proposed to retain the section of the bill that defines host community. It would require a commercial solid waste disposal facility to have in place a host community agreement throughout the period of operation of the facility unless the Commissioner of Environmental Protection determines that the facility is negotiating in good faith to formulate an agreement with the host community. Committee Amendment "A" was not adopted.

LD 1592 **An Act Regarding Disposal of Dredged Materials** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 1592, which was carried over from the First Regular Session, proposed to remove the exemption from current law that exempts holders of a permit issued under the United States Clean Water Act, Public Law 92-500, Section 404 from obtaining a waste discharge license for the disposal of dredged materials into waters of the State. It also proposed to require coastal municipalities to develop a plan for the disposal of dredge spoils.

LD 1669 **Resolve, To Authorize Certain Host Community Benefits Relative to a Landfill in the City of Old Town Owned by the State** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BLANCHARD	ONTP	
SCHNEIDER		

LD 1669, which was carried over from the First Regular Session, proposed to require the operator of the West Old Town Landfill to enter into a host community agreement with the City of Old Town on terms and conditions that were at least as favorable to the City of Old Town as the terms and conditions of the host community benefits described or detailed in the documents in the operator's bid in response to the request for proposals. The host community agreement would include provisions for a payment in lieu of taxes.

LD 1768 **An Act To Prevent Motor Fuel Spills from Aboveground Storage Tanks That Have Underground Piping** **PUBLIC 491**

Sponsor(s)	Committee Report		Amendments Adopted
COWGER	OTP-AM	MAJ	S-462
DUCHESNE	ONTP	MIN	

LD 1768 proposed to require aboveground motor fuel storage tanks that have underground piping to be registered with the Department of Environmental Protection, assessed an annual $35 registration fee and inspected annually in the same manner as is currently required for underground oil storage tanks. The bill also proposed to require that, beginning January 1, 2011, underground piping installed at an aboveground motor fuel storage facility before June 24, 1991 meet the same leak detection requirements that apply to piping installed after that date.

Committee Amendment "A" (S-462), the majority report of the committee, proposed to delay until 2009 the effective date of the bill's requirements for tanks and piping at facilities that are used to store diesel fuel. The amendment also proposed to give the Commissioner of Environmental Protection the authority to approve the use of leak detection methods for underground piping at aboveground oil storage facilities even though the approved method may differ from that required under the board rules for underground oil storage facilities.

Enacted law summary

Public Law 2005, chapter 491 provides that aboveground storage tanks that have underground piping that store motor fuel must:

1. By January 1, 2007 register the facility with the commissioner, and be subject to an annual $35 registration fee.

2. By July 1, 2007 and annually thereafter ensure that the underground piping is inspected by a state certified inspector or installer.

3. Prior to sale or transfer of the facility, the owner must notify the purchaser that there is underground piping and that registration with DEP is required.

4. By January 1, 2011, underground piping installed at an aboveground motor fuel storage facility before June 24, 1991 must meet the same requirements that apply to piping installed after that date.

Chapter 491 also delays until 2009 the effective date of the law's requirements for tanks and piping at facilities that are used to store diesel fuel. It also gives the Commissioner of Environmental Protection the authority to approve the use of leak detection methods for underground piping at aboveground oil storage facilities even though the approved method may differ from that required under the board rules for underground oil storage facilities.

LD 1774 **An Act To Improve the Water Quality and Safety of Phillips Lake** **P & S 44 EMERGENCY**

Sponsor(s)	Committee Report		Amendments Adopted
ROSEN R	OTP-AM	MAJ	S-484
HALL	OTP-AM	MIN	

LD 1774 proposed to remove the height restriction for the dam at the outlet of Phillips Lake.

Committee Amendment "A" (S-484), the majority report, proposed to provide that a water level regime for Phillips Lake can be established by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3-A, subarticle 4.

Committee Amendment "B" (S-485), the minority report, proposed to repeal the requirement that the dam at the outlet at the north end of Phillips Lake in the Town of Dedham be constructed, operated and maintained at no higher than 227 feet above sea level and at a width that is no less than the current width of the dam. Committee Amendment "B" was not adopted.

Enacted law summary

Private and Special Law 2005, chapter 44 provides that a water level regime for Phillips Lake in the Town of Dedham can be established by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3-A, subarticle 4.

Private and Special Law 2005, chapter 44 was enacted as an emergency measure effective March 30, 2006.

LD 1777 **Resolve, To Establish a Blue Ribbon Commission on Solid Waste Management** **RESOLVE 207 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
COWGER	OTP-AM	S-545
KOFFMAN		S-623 GAGNON

LD 1777 proposed to direct the Department of Environmental Protection to meet with all interested stakeholders and the Executive Department, State Planning Office and provide a report to the joint standing committee of the

Legislature have jurisdiction over natural resources matters by January 17, 2007, which may report out legislation to consolidate the management of solid waste in this State under the Department of Environmental Protection.

Committee Amendment "A" (S-545) proposed to replace the resolve. The amendment proposed to establish the Blue Ribbon Commission on Solid Waste Management to undertake a comprehensive study of solid waste management in this State.

Senate Amendment "A" to Committee Amendment "A" (S-623) proposed to change the funding mechanism for the Blue Ribbon Commission.

Enacted law summary

Resolve 2005, chapter 207 establishes the Blue Ribbon Commission on Solid Waste Management to undertake a comprehensive study of solid waste management in this State.

Resolve 2005, chapter 207 was enacted as an emergency measure effective May 4, 2006.

LD 1792 **An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats** **PUBLIC 558**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN KOFFMAN	OTP-AM	S-533

LD 1792 proposed to require that beginning January 1, 2007 manufacturers of thermostats containing mercury that are sold in this State pay a minimum of $5 for each thermostat containing mercury brought to a state-approved collection site. It also proposed to require that manufacturers of thermostats containing mercury that are sold in this State report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the fees imposed and to the Department of Environmental Protection on the results of the thermostat collection and recycling efforts.

Committee Amendment "A" (S-533) proposed to replace the bill. The amendment proposed to require manufacturers of mercury-added thermostats to individually or collectively provide for the collection and recycling of out-of-service mercury-added thermostats. It proposed to require the Department of Environmental Protection to develop a manufacturer financial incentive plan and it proposed to ban the sale of all thermostats of a manufacturer that is not in compliance with the law. It also proposed to set goals for the collection and recycling of mercury-added thermostats and to require the department to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources.

Enacted law summary

Public Law 2005, chapter 558 requires manufacturers of mercury-added thermostats to individually or collectively provide for the collection and recycling of out-of-service mercury-added thermostats. It requires the Department of Environmental Protection to develop a manufacturer financial incentive plan. It bans the sale of all thermostats of a manufacturer that is not in compliance with the law. It sets goals for the collection and recycling of mercury-added thermostats. It requires the department to annually report to the joint standing committee of the

Legislature having jurisdiction over natural resources matters and it authorizes that committee to report out legislation in connection with the 2007 report.

LD 1795 **An Act To Ensure the Long-term Capacity of Municipal Landfills** **PUBLIC 612**

Sponsor(s)	Committee Report	Amendments Adopted
COWGER	OTP-AM MAJ	S-539
KOFFMAN	ONTP MIN	

LD 1795 proposed to authorize a municipality to enter into a contract with a private entity to operate a municipal solid waste facility as long as the municipality controls the decisions regarding the type and source of waste that is accepted and the municipality accepts only waste that is generated within the State. The bill proposed to specify that, upon the sale or transfer of a municipal solid waste facility to a private entity, the license issued by the department for that solid waste facility is terminated. This bill also proposed to ban the disposal in a solid waste facility owned by a municipality of waste that originated outside the State.

Committee Amendment "A" (S-539), the majority report, proposed to replace the bill. It proposed to provide that publicly owned solid waste landfills are exempt from the definition of "commercial solid waste disposal facility" if until January 1, 2007 the facility accepts only waste that is generated within the State. It proposed to provide that "waste that is generated within the State" includes residue and bypass waste generated within the State. It proposed to define "bypass" waste. It proposed to specify that the department may not approve the transfer of an existing license of a municipal solid waste disposal facility to a private entity. It proposed to specify legislative findings.

Enacted law summary

Public Law 2005, chapter 612 provides that until January 1, 2007 publicly owned solid waste landfills are exempt from the definition of "commercial solid waste disposal facility" if the facility accepts only waste that is generated within the State. It provides that "waste that is generated within the State" includes residue and bypass waste generated within the State. It defines "bypass" waste. It specifies that the department may not approve the transfer of an existing license of a municipal solid waste disposal facility to a private entity. It specifies legislative findings.

LD 1802 **Resolve, To Give the Town of Pownal Additional Time To Comply with the Subdivision Laws** **RESOLVE 145 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-470
WEBSTER		S-474 COWGER

LD 1802 proposed to provide that a municipality that has adopted a comprehensive plan may enforce an ordinance that defines "subdivision" as the creation of 2 or more lots within a 5-year period.

Committee Amendment "A" (S-470) proposed to replace the bill with a resolve. It proposed to provide that the Town of Pownal may enforce an ordinance that defines "subdivision" as the creation of 2 or more lots within a 5-

year period as long as the definition was enacted prior to July 25, 1992 and the municipality filed its definition, which conflicts with the definition of "subdivision" in the Maine Revised Statutes, at the registry of deeds by June 30, 2003 as required by the Maine Revised Statutes, Title 30-A, section 4401, subsection 4, paragraph H-1. The purpose of this amendment is to give the Town of Pownal until January 1, 2008 to explore options for establishing a review process for the creation of single residential lots using criteria determined by the town.

Senate Amendment "A" to Committee Amendment "A" (S-474) proposed to add to the resolve an emergency preamble and emergency clause, which were inadvertently removed by Committee Amendment "A".

Enacted law summary

Resolve 2005, chapter 145 provides that the Town of Pownal may enforce an ordinance that defines "subdivision" as the creation of 2 or more lots within a 5-year period as long as the definition was enacted prior to July 25, 1992 and the municipality filed its definition, which conflicts with the definition of "subdivision" in the Maine Revised Statutes, at the registry of deeds by June 30, 2003 as required by the Maine Revised Statutes, Title 30-A, section 4401, subsection 4, paragraph H-1. The purpose of this amendment is to give the Town of Pownal until January 1, 2008 to explore options for establishing a review process for the creation of single residential lots using criteria determined by the town.

Resolve 2005, chapter 145 was enacted as an emergency measure effective March 28, 2006.

LD 1840 **Resolve, To Study the Recycling of Cellular Telephones** **RESOLVE 144**

Sponsor(s)	Committee Report	Amendments Adopted
BABBIDGE	OTP-AM	H-800

LD 1840 proposed to require a retail establishment that sells cellular telephones to accept used cellular telephones for reuse, recycling or proper disposal of hazardous parts of the telephone.

Committee Amendment "A" (H-800) proposed to replace the bill with a resolve. The amendment proposed to direct the Department of Environmental Protection to report on the effectiveness of current cellular telephone recycling collection programs in the State. It also proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 123rd Legislature.

Enacted law summary

Resolve 2005, chapter 144 directs the Department of Environmental Protection to report on the effectiveness of current cellular telephone recycling collection programs in the State. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 123rd Legislature.

LD 1860 **An Act Concerning Certain Provisions Regarding Protection of Natural Resources Related to Activities in Coastal Areas** **PUBLIC 548 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN	OTP-AM	H-842

LD 1860 proposed to repeal a provision in the Maine Revised Statutes, Title 38, section 480-E, subsection 9 that prohibits the Department of Environmental Protection from denying a permit for reconstruction of a structure solely because the structure is located in a V-Zone designated after January 1, 1999 by the Federal Emergency Management Agency for the National Flood Insurance Program. It also proposed to clarify certain emergency actions that may be taken without a permit, if specified criteria are met, when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened by specifying that protective materials may be left in place to shore up a structure no more than 18 months and by providing that actions taken to strengthen structures must be limited to those necessary to alleviate the imminent threat. Also, the bill proposed to expand the list of those persons authorized to make determinations concerning the integrity of a structure.

Committee Amendment "A" (H-842) proposed to clarify the emergency actions a property owner may take without a permit when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened. It also proposed to provide standards for approval by the Department of Environmental Protection of a permit by rule for the repair or replacement of a structure that has been destroyed or threatened. It also proposed to add an emergency preamble and clause.

Enacted law summary

Public Law 2005, chapter 548 clarifies certain emergency actions that may be taken without a permit, if specified criteria are met, when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened. It also provides standards for approval by the Department of Environmental Protection of a permit by rule for the repair or replacement of a structure that has been destroyed or threatened. It also repeals a provision in the Maine Revised Statutes, Title 38, section 480-E, subsection 9 that prohibits the Department of Environmental Protection from denying a permit for reconstruction of a structure solely because the structure is located in a V-Zone designated after January 1, 1999 by the Federal Emergency Management Agency for the National Flood Insurance Program.

Public Law 2005, chapter 548 was enacted as an emergency measure effective April 6, 2006.

LD 1888 **An Act To Amend Certain Laws Administered by the Department of Environmental Protection** **PUBLIC 561**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN	OTP-AM	H-801
COWGER		H-920 KOFFMAN

LD 1888 proposed to make several changes to the laws administered by the Department of Environmental Protection. It proposed to:

1. Amend the Maine Revised Statutes to remove a rule-making requirement related to identification of invasive aquatic species;

2. Amend erosion control standards in the quarry and gravel pit laws regarding externally drained areas, working pits, and reclaimed and unreclaimed areas;

3. Allow funds allocated to the Maine Coastal and Inland Surface Oil Clean-up Fund to be used for research related to inland oil spills;

4. Amend the law governing the siting of underground oil storage facilities to clarify that the owner of an abandoned underground oil facility may not make use of the statutory exemption allowing expansion of existing facilities within 1,000 feet of a public drinking water supply or 300 feet of a private drinking water supply; and

5. Streamline the manufacturer reporting requirements under the law governing recycling of televisions and computer monitors, and to allow sales figures reported to the Department of Environmental Protection by electronics manufacturers to be kept confidential.

Committee Amendment "A" (H-801) proposed to correct the date by which the Land and Water Resources Council must submit its final report regarding the study of state regulation of groundwater withdrawal. The amendment also proposed to clarify the amount of payment required by automobile manufacturers for mercury switches brought to consolidation facilities.

House Amendment "A" to Committee Amendment "A" (H-909) proposed to amend Committee Amendment "A". Committee Amendment "A" proposed to require automobile manufacturers to pay a minimum of $4 for mercury switches brought to consolidation facilities if the vehicle identification number of the source vehicle is provided and a minimum of $3 for mercury switches brought to consolidation facilities if the vehicle identification number of the source vehicle is not provided. This amendment proposed to retain until 45 days after the effective date of the legislation the requirement that manufacturers pay a minimum of $3 for a mercury switch brought to a consolidation facility without a vehicle identification number and specifies that, after that time, if the vehicle identification number is not provided, no payment is required. House Amendment "A" was not adopted.

House Amendment "B" to Committee Amendment "A" (H-920) proposed to amend Committee Amendment "A". Committee Amendment "A" proposed to require automobile manufacturers to pay a minimum of $4 for a mercury switch brought to a consolidation facility if the vehicle identification number of the source vehicle is provided and a minimum of $3 for a mercury switch brought to a consolidation facility if the vehicle identification number of the source vehicle is not provided. This amendment proposed to retain until 45 days after the effective date of the legislation the requirement that manufacturers pay a minimum of $3 for a mercury switch brought to a consolidation facility without a vehicle identification number as long as the switch is accompanied by signed certification that the switch was removed from a vehicle dismantled in Maine. After the 45 days, if the vehicle identification number is not provided, no payment is required.

Enacted law summary

Public Law 2005, chapter 561 does the following. It:

1. Amends the section of law dealing with aquatic nuisance species control (Title 38, section 410-N, subsection 1, paragraph B) to remove a rule-making requirement related to identification of invasive aquatic species;

2. Amends the erosion control standard in the quarry and gravel pit laws. It requires all areas that are externally drained, other than working pits, to meet the standards of the erosion and sedimentation control law. It also requires that working pits must be naturally internally drained unless a variance is granted;

3. Adds a definition of “working pit” to the quarry law that is similar to the definition of “working pit” in the gravel pit law;

4. Allows allocated funds in the Maine Coastal and Inland Surface Oil Clean-up Fund to be used for research related to the impact of inland oil spills;

5. Amends the law governing the siting of underground oil storage facilities. Current law prohibits new underground oil storage facilities from being installed within 1000 feet of a public drinking water supply or 300 feet of a private drinking water supply. There are also exemptions to that prohibition. Chapter 561 provides that an existing underground facility would not be able to expand and an existing aboveground facility would not be able to be converted to an underground facility when the facility is within the setback limits if the facility has been out of service for more than 12 consecutive months, unless the commissioner has approved an application that allows the facility to remain temporarily out of service for a longer period;

6. Clarifies that aboveground oil storage facilities are permitted by the Office of the State Fire Marshal;

7. Allows sales figures reported to the Department of Environmental Protection by electronics manufacturers under the Electronic Waste law to be kept confidential;

8. Makes changes to manufacturers' plans and reporting requirements under the Electronic Waste law. It changes the date by which manufacturers must implement the collection plan. It removes certain specified information that under current law must be included in the manufacturer's plan and annual report;

9. Amends an incorrect statutory reference. It amends Public Law 2003, chapter 227, section 9 to change a statutory reference from Title 38, section 470-E to Title 38, section 470-H. Title 38, section 470-E has been repealed. The subject of Title 38, section 470-E, which addresses rulemaking related to water use standards, is now addressed by Title 38, section 470-H;

10. Corrects the date by which the Land and Water Resources Council must submit its final report regarding the study of state regulation of groundwater withdrawal; and

11. Requires automobile manufacturers to pay a minimum of $4 for a mercury switch brought to a consolidation facility if the vehicle identification number of the source vehicle is provided. It also requires, until 45 days after the effective date of the legislation, manufacturers to pay a minimum of $3 for a mercury switch brought to a consolidation facility without a vehicle identification number as long as the switch is accompanied by signed certification that the switch was removed from a vehicle dismantled in Maine. After the 45 days, if the vehicle identification number is not provided, no payment is required.

LD 1925 **An Act To Protect Maine's Groundwater Resources** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS		

LD 1925 proposed to establish a reasonable use rule for groundwater withdrawals and to reject the common law doctrine of absolute dominion. It also proposed to permit a landowner to make any reasonable use of the groundwater underlying the landowner's land and proposed to define “reasonable use.”

LD 1925 was indefinitely postponed without reference to committee.

LD 1937 **An Act To Implement the Recommendations of the Governor's Task Force Regarding the Shutdown of the Maine Energy Recovery Company Trash-burning Facility in Biddeford** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

LD 1937, a concept draft, proposed to implement the recommendations of the Governor's task force regarding the shutdown of the Maine Energy Recovery Company trash-burning facility in Biddeford.

LD 1971 **Resolve, Directing a Review of Cleanup and Minimization Standards for Mold** **RESOLVE 174**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN	OTP-AM MAJ ONTP MIN	H-887

LD 1971 proposed to require the Department of Environmental Protection to establish by rule standards for the cleanup of mold.

Committee Amendment “A” (H-887), the majority report of the committee, proposed to replace the resolve. The amendment proposed to direct the Department of Environmental Protection and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to convene a working group to review issues regarding mold in buildings in the State and, by January 1, 2007, to make recommendations to the joint standing committees of the Legislature having jurisdiction over natural resources matters and health matters. It also proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation.

Enacted law summary

Resolve 2005, chapter 174 directs the Department of Environmental Protection and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to convene a working group to review issues

regarding mold in buildings in the State and, by January 1, 2007, to make recommendations to the joint standing committees of the Legislature having jurisdiction over natural resources matters and health matters. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation.

LD 1975 **An Act To Ensure Adequate Funding for Cleanup of Hazardous Waste, Biomedical Waste and Waste Oil** **PUBLIC 549**

Sponsor(s)	Committee Report		Amendments Adopted
KOFFMAN	OTP-AM	MAJ	H-843
	OTP-AM	MIN	

LD 1975 proposed to increase revenue in the Maine Hazardous Waste Fund by adjusting the fees for the transport and disposal of hazardous waste. The bill proposed to eliminate the disparity between the fee charged for transport of waste within Maine and the fee assessed for waste transported into Maine from another jurisdiction. The bill proposed to authorize the Board of Environmental Protection to assess a fee for registration of biomedical waste generators. The bill proposed to require the Department of Environmental Protection to prepare a report on the adequacy of the Maine Hazardous Waste Fund and on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil.

Committee Amendment "A" (H-843), the majority report, proposed to incorporate a fiscal note.

Committee Amendment "B" (H-844), the minority report, proposed to exempt municipal and school facilities that generate biomedical waste from the registration fee proposed in the bill. Committee Amendment "B" was not adopted.

Enacted law summary

Public Law 2005, chapter 549 increases revenue in the Maine Hazardous Waste Fund by adjusting the fees for the transport and disposal of hazardous waste. It eliminates the disparity between the fee charged for transport of waste within Maine and the fee assessed for waste transported into Maine from another jurisdiction. It authorizes the Board of Environmental Protection to assess a fee for registration of biomedical waste generators. It requires the Department of Environmental Protection to prepare a report on the adequacy of the Maine Hazardous Waste Fund and on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil.

LD 1977 **Resolve, Regarding Legislative Review of Portions of Chapter 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection, Extending the Deadline for the Repeal of the Current Coastal Sand Dune Rules and Convening the Beaches Advisory Group** **RESOLVE 175 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-855

LD 1977 proposed to provide for legislative review of portions of Chapter 355: Coastal Sand Dune Rules, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-855) proposed to authorize the final adoption of Chapter 355: Coastal Sand Dune Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specific changes are made to the rule. The amendment also proposed to change the date that the current coastal sand dune rules are repealed in order to provide the Department of Environmental Protection the necessary time to finally adopt the rules authorized by this resolve. The amendment also proposed to direct the Executive Department, State Planning Office, Maine Coastal Program, with the Department of Environmental Protection and the Department of Conservation, Maine Geological Survey, to convene the Beaches Advisory Group.

Enacted law summary

Resolve 2005, chapter 175 authorizes the final adoption of Chapter 355: Coastal Sand Dune Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specific changes are made to the rule. It also changes the date that the current coastal sand dune rules are repealed in order to provide the Department of Environmental Protection the necessary time to finally adopt the rules authorized by this resolve. It also directs the Executive Department, State Planning Office, Maine Coastal Program, with the Department of Environmental Protection and the Department of Conservation, Maine Geological Survey, to convene the Beaches Advisory Group.

Resolve 2005, chapter 175 was enacted as an emergency measure effective April 10, 2006.

LD 1981 **Resolve, Regarding Legislative Review of Portions of Chapter 335: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Environmental Protection** **RESOLVE 183 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-883

LD 1981 proposed to provide for legislative review of portions of Chapter 335: Significant Wildlife Habitat, a major substantive rule of the Department of Environmental Protection.

Committee Amendment (H-883) proposed to authorize final adoption of Chapter 335: Significant Wildlife Habitat Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule. The amendment also proposed to provide an implementation date of September 1, 2007 for the provisions of the rule regarding significant vernal pool habitats. It also proposed to require the Department of Environmental Protection to report on the implementation of the significant wildlife habitat rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2009 and it proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to the report to the First Regular Session of the 124th Legislature.

Enacted law summary

Resolve 2005, chapter 183 authorizes final adoption of Chapter 335: Significant Wildlife Habitat Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule. It also provides an implementation date of September 1, 2007 for the provisions of the rule regarding significant vernal pool habitats. It also requires the Department of Environmental Protection to report on the implementation of the significant wildlife habitat rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2009. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out legislation relating to the report to the First Regular Session of the 124th Legislature.

Resolve 2005, chapter 183 was enacted as an emergency measure effective April 12, 2006.

LD 2035 **An Act Regarding Storm Water Program Administration** **PUBLIC 602**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-879
		S-594 COWGER

LD 2035 proposed to establish an annual fee of up to $300 for a general permit for industrial storm water discharges issued pursuant to the waste discharge laws. It also proposed to direct the Department of Environmental Protection to modify the general permit for industrial storm water discharges to include publicly owned facilities by January 1, 2008. It also proposed to amend the rule-making provision in the law regulating storm water management to provide that rules adopted pursuant to that law are routine technical rules rather than major substantive rules.

Committee Amendment "A" (H-879) proposed to replace the bill, except that it retained the provision of the bill that proposed to establish an annual fee for a general permit for industrial storm water discharges. The amendment would allow municipalities one year to bring their local storm water ordinances into compliance with any new or amended storm water rules that the Department of Environmental Protection adopts after the effective date of this amendment. It proposed to designate storm water rules as routine technical rules except for rules that are state mandates and it proposed to designate certain rules regarding the storage of petroleum products and quarries and borrow pits as routine technical rules until March 1, 2007. It also proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over

natural resources matters on what, if any, activities or standard industrial codes should be added to the industrial storm water program.

Senate Amendment "A" to Committee Amendment "A" (S-594) proposed to allow the Department of Environmental Protection, if rules are enacted or amended that will significantly alter a plan for development that has already received a permit, to require the permittee to comply with the rules that were in effect at the time the permit was issued and, if practicable, additional requirements in the new or amended rules.

Enacted law summary

Public Law 2005, chapter 602 establishes an annual fee of up to $300 for a general permit for industrial storm water discharges issued pursuant to the waste discharge laws. It also allows municipalities one year to bring their local storm water ordinances into compliance with any new or amended storm water rules that the Department of Environmental Protection adopts after the effective date of this legislation. It designates storm water rules as routine technical rules except for rules that are state mandates and it designates certain rules regarding the storage of petroleum products and quarries and borrow pits as routine technical rules until March 1, 2007. It directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on what, if any, activities or standard industrial codes should be added to the industrial storm water program. It also allows the Department of Environmental Protection, if rules are enacted or amended that will significantly alter a plan for development that has already received a permit, to require the permittee to comply with the rules that were in effect at the time the permit was issued and, if practicable, additional requirements in the new or amended rules.

LD 2037 **Resolve, Regarding Source Water Protection Recommendations** **RESOLVE 140**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2037 was reported out by the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It proposed to direct the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources, to establish a process to allow public comment on recommendations described in a report dated February 2006 and submitted to the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. The bill also proposed to direct the program to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters that includes subsequent recommendations, takes into account coordination between water quantity and water quality and includes any necessary draft legislation. It also proposed to provide the joint standing committee of the Legislature having jurisdiction over natural resources matters the authority to report out legislation regarding the recommendations to the First Regular Session of the 123rd Legislature.

Enacted law summary

Resolve 2005, chapter 140 was reported out by the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It directs the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources, to establish a process to allow public comment on recommendations described in a report dated February 2006 and submitted to the Joint

Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It also directs the program to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters that includes subsequent recommendations, takes into account coordination between water quantity and water quality and includes any necessary draft legislation. It also provides the joint standing committee of the Legislature having jurisdiction over natural resources matters the authority to report out legislation regarding the recommendations to the First Regular Session of the 123rd Legislature.

LD 2043 **An Act To Further Reduce Mercury Use and Emissions** **PUBLIC 590**

Sponsor(s)	Committee Report	Amendments Adopted
COWGER DUCHESNE	OTP-AM	S-561

LD 2043 proposed to reduce the existing mercury emission standard from 50 pounds per year to 35 pounds per year after January 1, 2007 and to 25 pounds per year after January 1, 2010. The bill also proposed to require that any facility that emits more than 10 pounds of mercury per year submit to the Department of Environmental Protection a mercury reduction plan by September 1, 2008.

Committee Amendment "A" (S-561) proposed to remove the requirement in the bill that a mercury reduction plan contain information related to the mercury generated by an emission source. The amendment also proposed to provide that the Department of Environmental Protection may keep information contained in a mercury reduction plan confidential if the information is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submittor and would make available information not otherwise publicly available.

Enacted law summary

Public Law, chapter 590 reduces the existing mercury emission standard from 50 pounds per year to 35 pounds per year after January 1, 2007 and to 25 pounds per year after January 1, 2010. It also requires that any facility that emits more than 10 pounds of mercury per year submit to the Department of Environmental Protection a mercury reduction plan by September 1, 2008. It also provides that the Department of Environmental Protection may keep information contained in a mercury reduction plan confidential if the information is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submittor and would make available information not otherwise publicly available.

LD 2070 **Resolve, To Ensure the Availability of Public Drinking Water Supplies** **RESOLVE 190**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON BOWLES	OTP-AM	S-562

LD 2070 proposed to provide that water use standards adopted by the Board of Environmental Protection, as applied to authorized water resources of water utilities in the State, must be based on the sustainable yield of such resources as determined by the drinking water program of the Department of Health and Human Services.

Committee Amendment "A" (S-562) replaced the bill with a resolve that proposed to direct the Department of Environmental Protection to work with stakeholders to develop rules related to water withdrawals, and any necessary statutory amendments, that reconcile the objectives of protecting aquatic life and other designated uses and the ability of community public water systems to use their existing water supplies for the purpose of providing water service. The amendment also proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 123rd Legislature.

Enacted law summary

Resolve 2005, chapter 190 directs the Department of Environmental Protection to work with stakeholders to develop rules related to water withdrawals, and any necessary statutory amendments, that reconcile the objectives of protecting aquatic life and other designated uses and the ability of community public water systems to use their existing water supplies for the purpose of providing water service. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 123rd Legislature.

LD 2071 **An Act To Increase Wetland Protection** **PUBLIC 592**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-949

LD 2071 proposed to add a requirement providing that projects qualifying for Tier 1 wetland review must meet the habitat standards under the Maine Revised Statutes, Title 38, section 480-D, subsection 3. The bill also proposed to change the permit processing period for an application for Tier 1 activities from 30 days to 45 days. It also proposed to allow the Department of Environmental Protection to base its approval of a compensation project on the wetland management priorities identified by the department for the biophysical region or the watershed in which the project is located.

Committee Amendment "A" (H-949) proposed to require the Department of Environmental Protection to amend the rules regarding wetland compensation to lower the threshold for the amount of wetland impact that triggers wetland compensation from 20,000 square feet to 15,000 square feet.

Enacted law summary

Public Law, chapter 592 adds a requirement that projects qualifying for Tier 1 wetlands review must meet the habitat standards under the Maine Revised Statutes, Title 38, section 480-D, subsection 3. It changes the permit processing period for an application for Tier 1 activities from 30 days to 45 days. It allows the Department of Environmental Protection to base its approval of a compensation project on the wetland management priorities identified by the department for the biophysical region or the watershed in which the project is located. It requires the Department of Environmental Protection to amend the rules regarding wetland compensation to lower the threshold for the amount of wetland impact that triggers wetland compensation from 20,000 square feet to 15,000 square feet.

LD 2090 **Resolve, Regarding Legislative Review of Portions of Chapter 10: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife** **RESOLVE 208 EMERGENCY**

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	H-983
	OTP-AM	MIN	

LD 2090 proposed to provide for legislative review of portions of Chapter 10: Significant Wildlife Habitat, a major substantive rule of the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (H-983), the majority report, proposed to direct that the rule be amended to provide that the definition of "shorebird coastal feeding area" include a zone of 250 feet around the feeding area. This amendment would make the rules of the Department of Inland Fisheries and Wildlife and the rules of the Department of Environmental Protection regarding significant wildlife habitat consistent with each other.

Committee Amendment "B" (H-984), the minority report, proposed to direct that the rule be amended to provide that the definition of "shorebird coastal feeding area" include a zone of 250 feet around the feeding area. This change would make the rules of the Department of Inland Fisheries and Wildlife and the rules of the Department of Environmental Protection regarding significant wildlife habitat consistent with each other. The amendment also proposed to require that rules adopted by the Department of Inland Fisheries and Wildlife that define habitat for species appearing on the official state or federal lists of endangered and threatened species and high and moderate value travel corridors are major substantive rules. Committee Amendment "B" was not adopted.

Enacted law summary

Resolve 2005, chapter 208 provides for legislative review of portions of Chapter 10: Significant Wildlife Habitat, a major substantive rule of the Department of Inland Fisheries and Wildlife. It also directs that the rule be amended to provide that the definition of "shorebird coastal feeding area" includes a zone of 250 feet around the feeding area in order to make the rules of the Department of Inland Fisheries and Wildlife and the rules of the Department of Environmental Protection regarding significant wildlife habitat consistent with each other.

Resolve 2005, chapter 208 was enacted as an emergency measure effective May 4, 2006.

LD 631 **An Act To Establish a Maine Law Sunset Review Committee** **ONTP**

Sponsor(s)	Committee Report		Amendments Adopted
CROSTHWAITE	ONTP	MAJ	
DAVIS P	OTP-AM	MIN	

LD 631 proposed to create a process for a review of the Maine Revised Statutes to eliminate obsolete and outdated statutes. Each Legislature would establish a joint standing or joint select committee with the duty to review the Maine Revised Statutes and report at the beginning of the second regular session a summary of the committee's work and any recommended legislation. The committee would meet during legislative sessions and in the interim as authorized by the presiding officers. The Legislative Council would provide staffing assistance.

Committee Amendment "A" (H-738) proposed to incorporate a fiscal note.

LD 798 **An Act To Establish a Sunset on New State Agencies and Programs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	
SIMPSON		

LD 798 proposed to establish an automatic sunset on all new agencies or programs established or funded beginning January 1, 2006 unless the agency or program is extended through legislative action prior to the date of sunset.

LD 889 **Resolve, Directing the Intergovernmental Advisory Commission To Establish a Working Group To Develop a County Government Capital Improvements Revolving Loan Fund** **RESOLVE 133**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP-AM	S-449

LD 889 proposed to establish the County Government Capital Improvements Revolving Loan Fund.

Committee Amendment "A" (S-449) proposed to direct the Intergovernmental Advisory Commission to establish a working group to examine the feasibility of, and develop an appropriate design for, a county government capital improvements revolving loan fund that would make available financial assistance to counties for construction and repair projects. The working group must include representatives from associations of county commissioners, registers of deeds, sheriffs, jail administrators and municipal officers as well as the Maine Governmental Facilities Authority. The working group would report its findings to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 15, 2007.

Enacted law summary

Resolve 2005, chapter 133 directs the Intergovernmental Advisory Commission to establish a working group to examine the feasibility of, and develop an appropriate design for, a county government capital improvements revolving loan fund that would make available financial assistance to counties for construction and repair projects. The working group must include representatives from associations of county commissioners, registers of deeds, sheriffs, jail administrators and municipal officers as well as the Maine Governmental Facilities Authority. The working group shall report its findings to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 15, 2007.

LD 925 **An Act To Fairly Apportion the Cost of Sheriff Patrol Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	ONTP	

LD 925 proposed to require county commissioners to calculate the budgeted cost of noncontracted sheriff patrol services in proportion to which those services are provided to municipalities and unorganized territories in the county. The bill also proposed to require that the routine provision of sheriff patrol services be subject to the terms of a contract with the municipality receiving these services.

LD 1003 **An Act To Establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee** **ONTP**

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

LD 1003 proposed to repeal the existing process of adoption of a budget in Androscoggin County and in Somerset County and proposed to establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee.

Committee Amendment "A" (S-295) proposed to amend the dates to reflect the fiscal year beginning on January 1st. It proposed to reconvene the apportionment commission that conducted the apportionment in 2003 to reapportion Androscoggin County Commissioner Districts from 3 districts to 5 districts. The first election held in the new districts would be the statewide election on November 2006. The current Androscoggin County budget committee would be repealed September 15, 2007 and the Androscoggin County Budget Advisory Committee would take effect on the same day. The amendment also proposed to remove Somerset County from the bill so that the bill only affects Androscoggin County.

This bill was initially reported out with a majority OTP-A committee report. It was then recommitted to committee and subsequently reported out with a unanimous ONTP report.

LD 1127 **Resolve, Directing State Agencies To Assist and Facilitate any Governmental Units Wishing To Work Cooperatively** **RESOLVE 130**

Sponsor(s)	Committee Report	Amendments Adopted
ANDREWS BARSTOW	OTP-AM	S-434

LD 1127 proposed to require the Executive Department, State Planning Office, working with state and local government and education officials, to develop a municipal service district pilot project. Following a competitive process to determine the participating municipalities, the State Planning Office would continue to provide technical assistance, as well as grants, incentives and direct financial assistance to the municipalities participating in the pilot project. The bill proposed a timeline for the development and submission of projects and for the design and implementation of the municipal service districts. Funding would be provided through the Fund for the Efficient Delivery of Local and Regional Services and a separate appropriation.

Committee Amendment "A" (S-434) proposed to direct each state agency to establish a process by which municipalities that are involved in the joint provision of services with other units of government may fulfill statutory filing requirements by filing jointly with those units. The amendment proposed to require state agencies to report on the progress and the status of changes to the Executive Department, State Planning Office by November 30, 2006. The State Planning Office would report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

Enacted law summary

Resolve 2005, chapter 130 directs each state agency to establish a process by which municipalities that are involved in the joint provision of services with other units of government may fulfill statutory filing requirements by filing jointly with those units. State agencies must report on the progress and the status of changes to the Executive Department, State Planning Office by November 30, 2006. The State Planning Office shall report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

LD 1230 **An Act To Facilitate and Promote Regional Cooperation** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SHIELDS CLUKEY	ONTP	

LD 1230 proposed to address regional cooperation issues. The bill proposed to make real or personal property used for providing regional services to 2 or more municipalities exempt from property taxation. It proposed to allow municipalities to enter into cooperative arrangements for transit, solid waste, household hazardous waste, economic development, code enforcement and joint purchasing activities and would clarify that these endeavors are cooperative regional government activities. The bill also proposed to clarify that staff providing joint services are municipal officials. It proposed to grant to regional planning commissions the powers of a regional council. In addition, the minutes of commission meetings would be provided on request or posted on a website, rather than mailed to every member of the planning board and all municipal officials, in order to save on printing and mailing costs.

LD 1414 **An Act To Authorize Municipalities To Create Municipal Fire Districts** **ONTP**

Sponsor(s)	Committee Report		Amendments Adopted
DUPLESSIE	ONTP	MAJ	
PERRY J	OTP-AM	MIN	

LD 1414 proposed to authorize municipalities to create municipal fire districts that may, by ordinance, charge service charges for fire protection. The bill proposed to amend a statute to authorize municipalities to collect regional fire district service charges in addition to taxes.

Committee Amendment "A" (H-773), which was the minority report, proposed to replace the bill. The amendment proposed to direct Maine Revenue Services to establish a working group to examine options for reevaluating the distribution of property tax within municipalities and between service center and nonservice center municipalities. The working group would include members from the Maine Municipal Association, the Maine Service Centers Coalition, institutions of higher education in the State, the Maine Hospital Association, the YMCA, the Maine Council of Churches and other representatives of charitable or tax-exempt organizations.

LD 1481 **An Act To Amend the Laws Governing the Enactment Procedures for Ordinances** **POCKET VETO**

Sponsor(s)	Committee Report		Amendments Adopted	
BROMLEY	OTP-AM	MAJ	S-437	
KOFFMAN	ONTP	MIN	S-554	SCHNEIDER

LD 1481 proposed to establish the procedures for ordinances enacted by citizen's initiative so that all ordinances apply prospectively and the procedure for people's veto of ordinances enacted by a municipality.

Committee Amendment "A" (S-242) proposed to establish procedures for the enactment of local ordinances and ordinance amendments by direct initiative and prohibits the application of a new local ordinance enacted by direct initiative to construction or projects for which permits or approvals have been granted. The bill and this amendment were recommitted to committee to be carried over into the second session.

Committee Amendment "B" (S-243), which is the minority report, proposed to establish procedures for the enactment of local ordinances and ordinance amendments by direct initiative and prohibits the application of a new local ordinance to construction projects for which a permit or municipal approval has been granted and finally decided. The bill and this amendment were recommitted to committee to be carried over into the second session.

Committee Amendment "C" (S-437) proposed to prohibit a municipality from nullifying or amending a municipal land use permit by a subsequent enactment, amendment or repeal of a local ordinance more than 30 days after approval of the permit.

House Amendment "I" to Committee Amendment "C" (H-1051) proposed to incorporate the provisions of Senate Amendment "C" to Committee Amendment "C", except this amendment also specifies the procedure for a

change by citizen-initiated petition to an ordinance that would nullify or amend a previously issued municipal land use permit. The ordinance must be filed with the municipality within 30 days of the final approval of the permit, any registered voter may circulate the petition, and following the certification of the question by the municipality, the petitioners have 75 days to gather the requisite number of signatures and submit the signed petition to the municipality for certification of the signatures. This amendment was not adopted.

House Amendment "N" to Committee Amendment "C" (H-1098) proposed to add a mandate preamble. This amendment was not adopted.

House Amendments "A" to "H" and "J" to "M" were not introduced.

Senate Amendment "A" to Committee Amendment "C" (S-489) proposed to extend the period within which a municipality may nullify or amend a land use permit to 45 days. This amendment also proposed to specify that the requirements of the bill do not affect any municipal ordinance that provide for a lapse of the permit or authority granted pursuant to the permit after a certain period of time. This amendment was not adopted.

Senate Amendment "B" to Committee Amendment "C" (S-550) proposed to prevent a municipality, either through traditional ordinance amendment procedures or as a result of citizen-initiated procedures, from nullifying or amending a municipal land use permit that has been issued for an affordable housing project after the permit has received lawful final approval, a period of 45 days has passed and if required a public hearing was held on the permit. This amendment was not adopted.

Senate Amendment "C" to Committee Amendment "C" (S-554) proposed to extend the period within which a municipality may nullify or amend a land use permit to 75 days. This amendment also proposed to specify that the requirements of the bill do not affect any municipal ordinance that provides for a lapse of the permit or authority granted pursuant to the permit after a certain period of time.

Senate Amendment "D" to Committee Amendment "C" (S-555) proposed to extend the period within which a municipality can nullify or amend a land use permit to 90 days after the permit received final approval and requires a public hearing to be held on the permit. This amendment was not adopted.

Senate Amendment "E" to Committee Amendment "C" (S-558) proposed to extend the period within which a municipality can nullify or amend a land use permit to 75 days after the permit received final approval and requires a public hearing to be held on the permit. This amendment was not adopted.

Senate Amendment "F" to Committee Amendment "C" (S-599) proposed to incorporate the provisions of Senate Amendment "C" to Committee Amendment "C" but changes the period within which a municipality may nullify or amend a land use permit from 75 days to 100 days. This amendment was not adopted.

Senate Amendment "G" to Committee Amendment "C" (S-631) proposed to extend the period within which a municipality may propose to nullify or amend a land use permit to 75 days. This amendment would also specify that if the proposed change to the ordinance that would nullify or amend a previously issued land use permit is the result of a citizen-initiated petition, the petition for an article in the warrant must be submitted within 75 days or a time period specified in municipal charter following approval of the permit in order to allow the nullification or amendment of the permit. The time that the petition is held by the municipality for certification of the question is not counted in determining the 75-day or other limitation period. This amendment would require the change in ordinance, whether proposed by the municipality or by citizen initiative, to be submitted for consideration at the next regularly scheduled town meeting, meeting of the town or city council or election. This amendment also proposed to specify that, in the event of a conflict between a municipal charter and the provisions of this amendment, the provisions of the municipal charter prevail. This amendment was not adopted.

LD 1694 **An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To Deposit All Tax Revenues, Grant Revenues and Other Income and Revenues into One Depository Account** **P & S 31 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP	S-445 MARTIN

LD 1694 proposed to authorize the towns of Mapleton, Castle Hill and Chapman to create and maintain a common ownership depository account in the name of the 3 towns for the deposit of all tax revenues, grant revenues and other income and revenues received by the individual towns.

Senate Amendment "A" (S-445) proposed to add an emergency preamble and clause to the bill.

Enacted law summary

Private and Special Law 2005, chapter 31 authorizes the towns of Mapleton, Castle Hill and Chapman to create and maintain a common ownership depository account in the name of the 3 towns for the deposit of all tax revenues, grant revenues and other income and revenues received by the individual towns.

Private and Special Law 2005, chapter 31 was enacted as an emergency measure effective March 2, 2006.

LD 1712 **An Act To Restore the Funding to the Fund for the Efficient Delivery of Local and Regional Services** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-741

LD 1712 proposed to restore the funding for the Fund for the Efficient Delivery of Local and Regional Services by repealing the section of Public Law 2005, chapter 457 that would have transferred the money to the General Fund by June 30, 2006 and by June 30, 2007.

Committee Amendment "A" (H-741) proposed to restore the funding for the Fund for the Efficient Delivery of Local and Regional Services for the second year only.

(Public Law 2005, chapter 519, Part HH, section 1, restored $1 million to the Fund for the Efficient Delivery of Local and Regional Services.)

LD 1713 **Resolve, To Direct the Department of Audit To Establish a Working Group To Develop a Model Chart of Accounts for All Levels of Government** **RESOLVE 136**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-752

LD 1713 proposed to direct the Executive Department, State Planning Office to establish a working group to develop a standard accounting format for municipalities and counties. The State Planning Office would consult with state agencies and advocacy groups and report its findings and suggested legislation to the Intergovernmental Advisory Commission. The commission may report out legislation to the First Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-752) proposed to direct the Department of Audit to create a working group to develop a model chart of accounts that may be voluntarily adopted by municipalities, counties and the State, as applicable. The standard format is intended to allow towns to enter into cooperative agreements for cost-saving purposes. The Department of Audit would report its findings to the Intergovernmental Advisory Commission by November 1, 2006.

Enacted law summary

Resolve 2005, chapter 136 directs the Department of Audit to create a working group to develop a model chart of accounts. The model chart of accounts may be voluntarily adopted by municipalities, counties and the State, as applicable. The standard format is intended to allow towns to enter into cooperative agreements for cost-savings purposes. The Department of Audit shall report its findings to the Intergovernmental Advisory Commission by November 1, 2006.

LD 1714 **An Act To Increase Funding for the Intergovernmental Advisory Commission** **P & S 62**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-769

LD 1714 proposed to increase staffing for the Intergovernmental Advisory Commission. An appropriation of $4,000 would be used for administrative and research services. The Executive Department, State Planning Office would arrange the staffing that is supported by this appropriation.

Committee Amendment "A" (H-769) proposed to appropriate $10,000 for the Intergovernmental Advisory Commission for planning and holding a conference.

Enacted law summary

Private and Special Law 2005, chapter 62 appropriates $10,000 for the Intergovernmental Advisory Commission to be used for planning and holding a conference.

LD 1728 **Resolve, Establishing an Apportionment Commission To Develop New Cumberland County Commissioner Districts** **RESOLVE 212**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	OTP-AM	H-840 H-1107 BARSTOW

LD 1728 proposed to direct the Cumberland County Commissioners to put together a task force to establish 7 county commissioner districts and to submit its report no later than December 1, 2007 to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

Committee Amendment "A" (H-840) proposed to establish an apportionment commission under the constitutional procedure for establishing an apportionment commission to apportion the districts of the Legislature. The commission would be required to develop 2 plans to increase the number of Cumberland County commissioners from 3 districts to 5 or 7 districts. The voters of Cumberland County would choose between the 2 plans at a referendum held at the June 2007 election. The reapportionment plan chosen by the voters must be submitted to the Legislature for its approval. Election of Cumberland County commissioners in the reapportioned districts would take place at the November 2008 election.

House Amendment "A" to Committee Amendment "A" (H-926) proposed to change the date that the Cumberland County commissioners would submit the 2 plans to the voters of Cumberland County from June 2007 to November 2008. Election of Cumberland County commissioners in the reapportioned districts would take place at the November 2010 election. This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-1107) proposed to incorporate the substance of Senate Amendment "A" to Committee Amendment "A", filing number S-639. In addition, the amendment also proposed to remove the requirement for the apportionment plan to be submitted to the Cumberland County voters and instead allow the plan to be submitted to voters.

Senate Amendment "A" to Committee Amendment "A" (S-639) proposed to require that the Cumberland County commissioners vote on which of the two plans may be sent to the voters in Cumberland County.

Enacted law summary

Resolve 2005, chapter 212 establishes an apportionment commission under the constitutional procedure for establishing an apportionment commission to apportion the districts of the Legislature. The commission is required to develop 2 plans to increase the number of Cumberland County commissioners from 3 districts to 5 or 7 districts. The Cumberland County commissioners vote to decide which plan may be submitted to the voters in Cumberland County. The commissioners are not required to submit the plan to the voters but may choose to do so at the June 2007 election. The plan must be submitted to the Legislature for enactment. Election of commissioners in the reapportioned districts would take place at the November 2008 election.

LD 1733 **Resolve, Directing the Commissioner of Administrative and Financial Services To Establish a Working Group To Develop Options for the Long-term Renovation and Use of the Stone Buildings, the Administrative Building and the Center Building Formerly Occupied by the Augusta Mental Health Institute** **RESOLVE 201**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	OTP-AM	H-973

LD 1733 proposed to authorize the Commissioner of Administrative and Financial Services to enter into long-term ground leases of the following sites and to convey the following buildings, subject to surrender to the State upon termination of the ground lease: the Stone Buildings, the Administration Building and the Center Building formerly occupied by the Augusta Mental Health Institute in Augusta.

Committee Amendment "A" (H-973) proposed to direct the Commissioner of Administrative and Financial Services to establish a working group to explore options for the renovation and occupancy of the Stone Buildings, the Administrative Building and the Center Building. The working group would explore the possibilities of using bonds and public-private partnerships for renovation and options for occupancy including a combination of state agencies and private leases. The working group would report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 15, 2007.

Enacted law summary

Resolve 2005, chapter 201 directs the Commissioner of Administrative and Financial Services to establish a working group to explore options for the renovation and occupancy of the Stone Buildings, the Administrative Building and the Center Building formerly occupied by the Augusta Mental Health Institute. The working group shall explore the possibilities of using bonds and public-private partnerships for renovation and options for occupancy including a combination of state agencies and private leases. The working group shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 15, 2007.

LD 1735 **An Act To Authorize Chebeague Island To Secede from the Town of Cumberland** **P & S 47**

Sponsor(s)	Committee Report	Amendments Adopted
MCKENNEY DAMON	OTP-AM	H-915

LD 1735 proposed to authorize the separation of Chebeague Island and certain surrounding islands from the Town of Cumberland and their incorporation into the Town of Chebeague Island.

Committee Amendment "A" (H-915) proposed to change the boundary lines so that Sturdivant Island and Basket Island remain part of the Town of Cumberland. It would detail the agreements between the secession territory and the Town of Cumberland and the secession territory and School Administrative District 51. The amendment proposed to require the secession territory to select 9 transition representatives to act for the territory from within 60 days of the effective date of the bill to the date of separation. It would authorize the Town of

Chebeague Island, the Town of Cumberland and School Administrative District 51 to enforce the provisions of the bill by civil action in Superior Court.

Enacted law summary

Private and Special Law 2005, chapter 47 authorizes the separation of Chebeague Island and certain surrounding islands from the Town of Cumberland and their incorporation into the Town of Chebeague Island. It details the agreements between the secession territory and the Town of Cumberland and the secession territory and School Administrative District 51.

LD 1762 An Act Authorizing the Deorganization of Drew Plantation P & S 60

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

LD 1762 proposed to allow for the deorganization of Drew Plantation in Penobscot County, subject to approval at local referendum.

Committee Amendment "A" (S-511) proposed to require the deorganization of Drew Plantation to be in accordance with the deorganization plan as amended February 1, 2006.

Enacted law summary

Private and Special Law 2005, chapter 60 provides for the deorganization of Drew Plantation in Penobscot County, subject to approval at local referendum. Deorganization is to be in accordance with the deorganization plan as amended February 1, 2006.

LD 1769 An Act To Strengthen the State Purchasing Code of Conduct Laws PUBLIC 554

Sponsor(s)	Committee Report		Amendments Adopted
ROTUNDO	ONTP	MAJ	S-499
	OTP-AM	MIN	

LD 1769 proposed to make several changes to the law regarding the state purchasing code of conduct. Specifically, the bill:

1. Details the process that bidders must follow in filing an affidavit under the law;

2. Describes when investigations by the State Purchasing Agent will be initiated;

3. Sets out the factors that may be taken into account by the State Purchasing Agent in making a determination of whether the code of conduct has been violated;

4. Permits the State Purchasing Agent to take remedial action, including, but not limited to, terminating contracts against contractors that do not make good faith efforts to comply with the code of conduct;

5. Eliminates the State's prerogative to contract with noncompliant contractors when no other procurement source option exists; and

6. Establishes a working group whose task is to report on whether the State should form an independent consortium to monitor and investigate complaints of violations of the code of conduct and, if so, the manner in which such a consortium would be created and function.

Committee Amendment "A" (S-499), which is the minority report, proposed to reinstate the ability of the State Purchasing Agent to accept and award a bid from a noncompliant contractor when no other procurement option exists. The amendment also proposed to require the working group to provide an interim progress report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by September 1, 2006 instead of bimonthly progress reports.

Enacted law summary

Public Law 2005, chapter 554 makes several changes to the law regarding the state purchasing code of conduct. Specifically, the law:

1. Details the process that bidders must follow in filing an affidavit under the law;

2. Describes when investigations by the State Purchasing Agent will be initiated;

3. Sets out the factors that may be taken into account by the State Purchasing Agent in making a determination of whether the code of conduct has been violated;

4. Permits the State Purchasing Agent to take remedial action, including, but not limited to, terminating contracts against contractors that do not make good faith efforts to comply with the code of conduct; and

5. Establishes a working group whose task is to report on whether the State should form an independent consortium to monitor and investigate complaints of violations of the code of conduct and, if so, the manner in which such a consortium would be created and function. The working group must provide an interim progress report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by September 1, 2006.

LD 1779 | **An Act To Increase Certain Fees Paid for Service of Writs and Complaints** | **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
DAVIS P	OTP-AM	S-461

LD 1779 proposed to double the fees paid to sheriffs, deputies and authorized persons for service of writs and complaints on behalf of the State.

Committee Amendment "A" (S-461) proposed to add an appropriations and allocations section to the bill.

LD 1788 **An Act To Confirm the Authority of the City of Saco To Acquire Extraterritorial Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

LD 1788 proposed to confirm the authority of the city of Saco, as provided in its charter, to issue bonds, notes and other evidences of indebtedness to acquire interests in real estate located outside the political boundaries of the city in order to improve environmental or economic conditions within the city. This confirmation of the city's extraterritorial authority would be required in connection with the city's plan to issue bonds to acquire and ultimately close the Maine Energy Recovery Company facility in Biddeford.

LD 1846 **Resolve, Directing the Department of Health and Human Services To Establish a Working Group To Examine Ways for Municipalities To Distribute More Heating Assistance** **RESOLVE 146**

Sponsor(s)	Committee Report		Amendments Adopted
SCHATZ	OTP-AM	MAJ	H-790
DAMON	ONTP	MIN	

LD 1846 proposed to streamline criteria for municipal general assistance for heating and utility assistance.

Committee Amendment "A" (H-790) proposed to direct the Department of Health and Human Services to establish a working group to examine ways for municipalities to distribute more heating assistance to residents who are eligible for the federal Low Income Home Energy Assistance Program. The department would submit its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over state and local government matters by December 15, 2006.

Enacted law summary

Resolve 2005, Chapter 146 directs the Department of Health and Human Services to establish a working group to examine ways for municipalities to distribute more heating assistance to residents who are eligible for the federal Low Income Home Energy Assistance Program. The department shall submit its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over state and local government matters by December 15, 2006.

LD 1862 **An Act To Expand Notification Requirements for Internal Control Inquiries Made by Nonstate Organizations** **PUBLIC 490**

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

LD 1862 proposed to require that the State Auditor be notified when a nonstate organization requests access to state agency resources and records related to internal controls.

Committee Amendment "A" (H-760) proposed to require the State Controller to notify the State Auditor, the Office of Program Evaluation and Government Accountability and other interested parties when a nonstate organization requests access to state agency resources and records related to internal controls.

Enacted law summary

Public Law 2005, chapter 490 requires the State Controller to notify the State Auditor, the Office of Program Evaluation and Government Accountability and other interested parties when a nonstate organization requests access to state agency resources and records related to internal controls.

LD 1864 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located on State Highway 191 in East Machias; U.S. Route 1 in Thomaston; U.S. Route 2 in Skowhegan; and Hospital Street in Augusta** **RESOLVE 177**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR SAVAGE	OTP-AM	H-927

LD 1864 proposed to authorize the Commissioner of Administrative and Financial Services to sell or lease the State's interests in properties in East Machias, Thomaston, Skowhegan, Augusta and Falmouth, with the sale proceeds to be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements and the lease proceeds to be deposited in the General Fund.

Committee Amendment "A" (H-772) proposed to give the right of first refusal to purchase the parcel of land in Falmouth along the Presumpscot River to the 3 abutting lot owners. The Commissioner of Administrative and Financial Services would have the authority to work with the abutting lot owners to develop an equitable division of property. The bill and this amendment were recommitted to committee for reconsideration.

Committee Amendment "B" (H-927) proposed to remove from the list of state properties authorized to be sold or leased the parcel of land located in Falmouth along the Presumpscot River.

Enacted law summary

Resolve 2005, chapter 177 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in properties in East Machias, Thomaston, Skowhegan and Augusta, with the sale proceeds to be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements and the lease proceeds to be deposited in the General Fund.

LD 1865 **An Act To Clarify the Time Period in Which Municipalities Must File Notices of Intent with the State for Purposes of Issuing Building Permits** **PUBLIC 489**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	OTP-AM	H-767

LD 1865 proposed to clarify that a municipality must be informed early in the design process of plans for a state construction project or public improvement within that municipality's boundaries. The bill proposed to require a municipality that intends to review or issue permits for that project or improvement to file notice of intent within 30 days of notification of the project or improvement.

Committee Amendment "A" (H-767) proposed to specify that the Department of Administrative and Financial Services, Bureau of General Services notify the municipal manager or, in the absence of a manager, the first selectman, of a proposed project within the municipality's boundaries. It would also give the municipality 45 days to respond after notification.

Enacted law summary

Public Law 2005, chapter 489 specifies that the Department of Administrative and Financial Services, Bureau of General Services must notify the municipal manager or, in the absence of a manager, the first selectman, early in the design process of a proposed state construction project or public improvement within that municipality's boundaries. The municipality has 45 days to file notice of intent to review or issue permits for the project.

LD 1871 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Purchase the Department of Labor Building at 19 Union Street in Augusta and To Determine the Feasibility of Acquiring a Parcel of Land for Use as a Parking Lot by the Maine Criminal Justice Academy** **RESOLVE 214**

Sponsor(s)	Committee Report		Amendments Adopted	
BARSTOW	OTP-AM	MAJ	S-576	SCHNEIDER
	ONTP	MIN	S-686	ROTUNDO

LD 1871 proposed to authorize the Commissioner of Administrative and Financial Services to enter into long-term ground leases and to convey the Department of Labor building at 19 Union Street in Augusta, subject to surrender to the State upon termination of the ground lease.

Committee Amendment "A" (H-744) proposed to require that the building be leased to the State for agency offices and that the rents be no higher than market rent for comparable office space in the Augusta area.

Senate Amendment "A" (S-576) proposed to authorize the Commissioner of Administrative and Financial Services to negotiate the purchase of the Department of Labor building, remove hazardous materials and begin the initial renovation design process using no more than $1,800,000 from the Capital Construction and Improvements Reserve Fund.

Senate Amendment "A" to Senate Amendment "A" (S-686) proposed to authorize the Commissioner of Administrative and Financial Services, upon consultation with the Commissioner of Public Safety and the Department of Environmental Protection, to determine the feasibility of acquiring a parcel of land across from the Maine Criminal Justice Academy for use as a parking lot by the academy. The State currently holds a well and water line easement on the parcel that benefits the former Oak Grove School, currently known as the Maine Criminal Justice Academy.

Enacted law summary

Resolve 2005, chapter 214 authorizes the Commissioner of Administrative and Financial Services to negotiate the purchase of the Department of Labor building at 19 Union Street in Augusta, remove hazardous materials and begin the initial renovation design process using no more than $1,800,000 from the Capital Construction and Improvements Reserve Fund. It also authorizes the Commissioner of Administrative and Financial Services, upon consultation with the Commissioner of Public Safety and the Department of Environmental Protection, to determine the feasibility of acquiring a parcel of land across from the Maine Criminal Justice Academy for use as a parking lot by the academy. The State currently holds a well and water line easement on the parcel that benefits the former Oak Grove School, currently known as the Maine Criminal Justice Academy.

LD 1880 **An Act To Promote Youth Involvement in County and Local Government** **PUBLIC 656**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN	OTP-AM	H-768 S-671 ROTUNDO

LD 1880 proposed to create the County and Local Government Internship Program, administered by the Margaret Chase Smith Center for Public Policy at the University of Maine, which would pair college-age students with county and local governments. Students must have completed at least 2 years of college or have just graduated from college and be Maine residents or out-of-state students attending college in the State.

Committee Amendment "A" (H-768) proposed to incorporate a fiscal note.

Senate Amendment "A" (S-671) proposed to remove the appropriations and allocations section.

Enacted law summary

Public Law 2005, chapter 656 creates the County and Local Government Internship Program, administered by the Margaret Chase Smith Center for Public Policy at the University of Maine, which pairs college-age students with county and local governments. Students must have completed at least 2 years of college or have just graduated from college and must be Maine residents or out-of-state students attending college in the State.

LD 1882 **An Act To Expand the Auditing Powers of the Department of Audit and To Clarify the Confidentiality of Audit Working Papers and Information** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	ONTP	

LD 1882 proposed to clarify the authority of the State Auditor to conduct information system audits and ensure the confidential status of information system audit findings and workpapers. The bill proposed to clarify that the State Auditor has the discretion to release nonconfidential audit working papers to the public before any final audit report. It also proposed to allow the State Auditor to disclose confidential audit working papers to the Office of the State Controller, the Office of the Treasurer of State, affected state entities and other state entities if the audited department, commission or agency agrees to the disclosure. The bill proposed to ensure that tips and complaints and information provided by any individual are confidential. In addition, the bill proposed to make classified any information resulting from a review by the State Auditor that indicates a computer system is vulnerable. Finally, the bill proposed to give the State Auditor the power to compel the production of evidence.

LD 1908 **An Act To Increase the Salary of the Governor** **DIED BETWEEN BODIES**

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

LD 1908 proposed to provide the Governor with an annual salary 10% greater than the annual salary of any other official of State Government. In accordance with the Constitution of Maine, Article V, Part First, Section 6, the increased salary would not apply to the Governor who is serving on the effective date of the legislation during that Governor's continuance in office.

Committee Amendment "A" (H-896) proposed to set the Governor's salary at 2 times the median family income in the State, starting in January 2007, as determined by the most recent American Community Survey conducted by the United States Census Bureau. Every 4 years, the Governor's salary would be recalculated according to the most recent median family income. The amendment also proposed to add an appropriations and allocations section to the bill.

Committee Amendment "B" (H-897), which is the minority report, proposed that the State Compensation Commission considers the compensation of the Governor in its biennial report.

LD 1912 **RESOLUTION, Amending the Constitution of Maine To Lower the Age of Eligibility for Election to the House of Representatives** **FINAL PASSAGE FAILED**

Sponsor(s)	Committee Report		Amendments Adopted
CAIN	OTP-AM	MAJ	H-809
	ONTP	MIN	

LD 1912 proposed to amend the Constitution of Maine to decrease the minimum age for election to the Maine House of Representatives from 21 years of age to 18 years of age.

Committee Amendment "A" (H-809) proposed to incorporate a fiscal note.

LD 1918 **An Act To Create a Self-insurance Pool for Land Crossing State-owned Railroad Tracks** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	ONTP	

LD 1918 proposed to require that the Director of the Bureau of General Services within the Department of Administrative and Financial Services provide insurance services so that private landowners may purchase insurance for coverage of land crossing state-owned railroad tracks.

LD 1942 **An Act To Change the Name of Little Island to Chickering Island** **P & S 35**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP	

LD 1942 proposed to change the name of Little Island in Damariscotta Lake to Chickering Island.

Enacted law summary

Private and Special Law 2005, chapter 35 changes the name of Little Island in Damariscotta Lake to Chickering Island.

LD 1984 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease for Veterans' Housing the Interests of the State in Hedin Hall at the Dorothea Dix Psychiatric Center** **RESOLVE 209**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J DUNN	OTP-AM	

LD 1984 proposed to authorize the Commissioner of Administrative and Financial Services to sell or lease the State's interests in Hedin Hall, located on the campus of the Dorothea Dix Psychiatric Center, formerly known as the Bangor Mental Health Institute, for veterans' housing, with the sale proceeds to be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements as designated by the commissioner and the lease proceeds to be deposited in the General Fund.

Committee Amendment "A" (S-480) proposed to direct the Department of Administrative and Financial Services, Bureau of General Services to establish a task force to examine using excess state property at the Stevens School campus in Hallowell for veterans' housing. The task force would be required to report its findings to the joint standing committee of the Legislature having jurisdiction over state and local government matters by December 29, 2006. This amendment was not adopted.

Enacted law summary

Resolve 2005, chapter 209 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in Hedin Hall, located on the campus of the Dorothea Dix Psychiatric Center, formerly known as the Bangor Mental Health Institute, for veterans' housing, with the sale proceeds to be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements as designated by the commissioner and the lease proceeds to be deposited in the General Fund.

LD 1999 **Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a Major Substantive Rule of the Department of Administrative and Financial Services** **RESOLVE 178**

Sponsor(s)	Committee Report		Amendments Adopted	
	OTP	MAJ	S-541	SCHNEIDER
	OTP-AM	MIN		

LD 1999 proposed to provide for legislative review of portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a major substantive rule of the Department of Administrative and Financial Services.

Committee Amendment "A" (H-841) which is the minority report, proposed to amend the resolve to indicate the major substantive rule of the Department of Administrative and Financial Services is not authorized. This amendment was not adopted.

Senate Amendment "A" (S-541) proposed to remove the emergency preamble and the emergency clause from the resolve.

Enacted law summary

Resolve 2005, chapter 178 provides for legislative review of portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a major substantive rule of the Department of Administrative and Financial Services.

LD 2024 **An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the State Contracting Process** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 2024 was a recommendation of the Study Commission Regarding Liveable Wages established in Resolve 2005, chapter 128. The bill proposed to require the State Purchasing Agent to adopt rules for awarding contracts to provide for adjustment of bid prices to take into account the level of wages paid by bidding employers.

LD 2030 **An Act To Authorize the Deorganization of the Town of Cooper** **ONTP**

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

LD 2030 proposed to provide for the deorganization of the Town of Cooper in Washington County, subject to approval at local referendum.

Senate Amendment "A" (S-505) proposed to require the deorganization of the Town of Cooper to be in accordance with the deorganization plan updated on February 1, 2006. It also proposed to clarify that pupils in Cooper attend schools in Alexander for kindergarten to grade 8 and Woodland High School in Baileyville for secondary school.

LD 2063 **An Act To Clarify the Use of Dedicated Funds for the Preservation of Deeds Records** **PUBLIC 584**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	OTP-AM	S-538

LD 2063 proposed to clarify that the records preservation surcharge may not be used for initial recording of documents recorded in the office of the register of deeds. The bill proposed to require any county that has used the dedicated surcharge for a purpose other than restoration, re-creation or preservation to return the revenue to its dedicated account. Any expenditure from the account would be authorized by the Register of Deeds to ensure the use for its intended purpose.

Committee Amendment "A" (S-538) proposed to remove the requirement that the Register of Deeds authorize expenditures from the preservation surcharge account. It also proposed that any county that uses the dedicated surcharge for a purpose other than restoration, re-creation or preservation of deeds has committed a civil violation that results in a fine of $100 a day from the date the money was withdrawn to the date it is restored. Fines would be paid out of the county budget and placed in the records preservation surcharge account.

Enacted law summary

Public Law 2005, chapter 584 clarifies that the records preservation surcharge may not be used for initial recording of documents. It provides that any county that uses the dedicated surcharge for a purpose other than restoration, re-creation or preservation of deeds in the office of the register of deeds has committed a civil violation that results in a fine of $100 a day from the date the money was withdrawn to the date it is restored. Fines must be paid out of the county budget and placed in the records preservation charge account.

LD 2072 **An Act To Amend the Definition of "Municipality" as It Relates to the Maine Municipal Bond Bank Act** **PUBLIC 552 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN CLUKEY	OTP	

LD 2072 proposed to amend the definition of "municipality" in the Maine Municipal Bond Bank Act to include any corporation owned entirely by any city, town, special district, county, plantation or municipal village corporation within the State and providing water, sewer or electric service or performing other essential governmental functions.

Enacted law summary

Public Law 2005, chapter 552 amends the definition of "municipality" in the Maine Municipal Bond Bank Act to include any corporation owned entirely by any city, town, special district, county, plantation or municipal village corporation within the State and providing water, sewer or electric service or performing other essential governmental functions.

Public Law 2005, chapter 552 was enacted as an emergency measure effective April 6, 2006.

LD 2082 **Resolve, Directing the Secretary of State To Establish a Task Force To Develop a Plan for the Maine State Cultural Building in Augusta** **RESOLVE 168 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	H-886 BARSTOW

LD 2082 proposed to direct the Secretary of State to establish a task force to examine the long-term needs of the Maine State Cultural Building, including the possibility of constructing a new building. The task force would consider the issues of space limitations, mechanical problems, energy inefficiencies and physical deterioration. It would also seek to develop initiatives that use federal financing opportunities and take advantage of cooperation with the University of Maine System. The task force would report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 15, 2007.

House Amendment "A" (H-886) proposed to add a representative from the Capitol Planning Commission to the task force and require the report of the task force to be also submitted to the commission. The amendment proposed to require that recommendations of the task force be consistent with the Capitol Planning Commission master plan and rules.

Enacted law summary

Resolve 2005, chapter 168 directs the Secretary of State to establish a task force to look at the long-term needs of the Maine State Cultural Building, including the possibility of constructing a new building. The task force shall consider the issues of space limitations, mechanical problems, energy inefficiencies and physical deterioration. It shall also seek to develop initiatives that use federal financing opportunities and take advantage of cooperation

with the University of Maine System. The task force shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters and the Capitol Planning Commission by January 15, 2007.

Resolve 2005, chapter 168 was enacted as an emergency measure effective April 6, 2006.

LD 2102 **An Act To Change the Date for Agency Submission of Provisionally Adopted Major Substantive Rules** **PUBLIC 586**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2102 proposed to change the date for agency submission of provisionally adopted major substantive rules from 45 days prior to statutory adjournment to the close of business on the 2nd Friday in January of the year in which the rules are to be considered by the Legislature.

Enacted law summary

Public Law 2005, chapter 586 changes the date for agency submission of provisionally adopted major substantive rules from 45 days prior to statutory adjournment to the close of business on the 2nd Friday in January of the year in which the rules are to be considered by the Legislature.

LD 2115 **An Act To Amend the Boundaries between the City of Saco and The Town of Old Orchard Beach** **P & S 68 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS		S-703 ROTUNDO

LD 2115 proposed to amend the boundaries between the City of Saco and the Town of Old Orchard Beach.

Senate Amendment "A" (S-703) proposed to add a mandate preamble.

Enacted law summary

Private and Special Law 2005, chapter 68 amends the boundaries between the City of Saco and the Town of Old Orchard Beach.

Private and Special Law 2005, chapter 68 was enacted as an emergency measure effective June 1, 2006.

LD 2 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Primary Residences** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report		Amendments Adopted
PERCY	OTP-AM	MAJ	H-1014
DAMON	OTP-AM	MIN	

LD 2 proposed to amend the Constitution of Maine to authorize a municipality to limit the rate of change in the tax rate applicable to homestead land, defined as land that is exclusively and continuously owned by one or more residents of the State while the land remains the principal home of each owner, to the rate of change in the purchasing power of United States currency as consistently measured by a reliable index adopted by the Legislature.

This bill was originally considered by the Joint Select Committee on Property Tax Reform. It was recommitted to the Joint Standing Committee on Taxation and carried over by H.P. 1203 to the next special or regular session.

Committee Amendment "C" (H-1014) proposed to amend the Constitution of Maine to permit the Legislature to establish a system to limit the property tax on primary residences to no more than 10% of household income.

LD 19 **An Act To Clarify the Law Regarding Transfer Tax Liability for Deeds between Domestic Partners** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
MAZUREK	OTP-AM	MAJ	H-116
	ONTP	MIN	

LD 19 proposed to include domestic partners, as defined in the Probate Code, as family members for purposes of the real estate transfer tax exemption for deeds between certain family members.

Committee Amendment "A" (H-116) proposed to restrict the exemption proposed by the bill to registered domestic partners.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 74 **An Act To Increase Eligibility for the Property Tax Exemption for Veterans'** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
DAVIS G	OTP-AM	H-529

LD 74 proposed to increase the veterans' property tax exemption from $5,000 to $15,000.

Committee Amendment "A" (H-529) proposed to replace the bill and to expand eligibility for property tax exemptions to veterans of certain conflicts that do not currently qualify for the exemption.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

This bill was removed from the Special Appropriations Table in the Second Regular Session and indefinitely postponed. The substance of this bill, as amended, was incorporated into the Supplemental Budget Bill as Public Law 2005, chapter 519, Part MMM, LD 1968, 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 Years Ending June 30, 2006 and June 30, 2007.

LD 118 **An Act To Provide Tax Relief for People with Functional Limitations** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
BOWLES DAVIS P	OTP-AM	H-108

LD 118 proposed to amend the sales tax exemption for prosthetic devices to include additional aids and mobility devices to accommodate a person's functional limitations.

Committee Amendment "A" (H-108) proposed to clarify the items qualifying for a sales tax exemption as prosthetic devices and mobility-enhancing equipment consistent with uniform definitions developed by the Streamlined Sales Tax Project.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 169 **An Act To Amend the Law Regarding Resale Certificates** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted	
MOODY	OTP-AM	MAJ	H-78	
	OTP-AM	MIN	S-122	COURTNEY

LD 169 proposed to repeal changes made in 2004 with regard to sales tax resale certificates that limited issuance of resale certificates to retailers with annual gross sales of $10,000 or more and required the State Tax Assessor to annually review the gross sales status of each retailer prior to issuing the certificate for the next succeeding calendar year.

Committee Amendment "A" (H-78) proposed to change the threshold for issuance of resale certificates from $10,000 to $3,000 in annual gross sales and extended the duration of resale certificates from one year to 3 years.

Senate Amendment "B" to Committee Amendment "A" (S-122) proposed to make subsequent issuances of annual resale certificates effective for the next 5 calendar years.
This bill and its adopted amendments were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

This bill was removed from the Special Appropriations Table in the Second Regular Session and indefinitely postponed. The substance of this bill, as amended, was incorporated into the Supplemental Budget Bill as Public Law 2005, chapter 519, Part OOO, LD 1968, 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 Years Ending June 30, 2006 and June 30, 2007.

LD 195 **An Act To Conform the Maine Tax Code with the Federal Health Savings Accounts Laws** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted	
RECTOR	OTP-AM	MAJ	H-532	
PERRY J	ONTP	MIN	H-653	RINES

LD 195 proposed to conform Maine income tax law to federal law regarding contributions to health savings accounts.

Committee Amendment "A" (H-532) and House Amendment "A" (H-653) proposed to make nonsubstantive changes.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

This bill was removed from the Special Appropriations Table in the Second Regular Session and indefinitely postponed. The substance of this bill, as amended, was incorporated into the Supplemental Budget Bill as Public Law 2005, chapter 519, Part NNN, LD 1968, 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 Years Ending June 30, 2006 and June 30, 2007.

See also LD 1917.

LD 236 **An Act To Change Nonresident Income Tax Filing Requirements** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK COURTNEY	OTP-AM	H-530

LD 236 proposed to increase the minimum taxability thresholds that establish an income tax liability for nonresidents. It proposed to increase the number of days worked in Maine that trigger a nonresident income tax liability from 11 days per year to 21 days per year and establish $6,000 as the amount of gross income that must be earned before the nonresident's income is subject to taxation.

Committee Amendment "A" (H-530) proposed to provide new minimum taxability thresholds for nonresidents. The new thresholds permit greater income-earning activity by nonresidents in the State before Maine income tax liability is triggered. Personal services performed as an employee would be subject to tax if they were performed for more than 12 days and produced more than $3,000 in income. Income from contractual or sales-related activities would be subject to tax if it exceeded $3,000 during a year. The amendment also proposed to exclude from the determination of taxability in the State up to 24 days of personal services related to certain training and management functions.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 275 **An Act To Promote Energy Conservation and a Cleaner Environment** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY BLISS	OTP-AM	S-101

LD 275 proposed to substitute a sales tax exemption for 100% of the sale or lease price of a hybrid gasoline-electric vehicle or a fuel-cell or hydrogen-fueled vehicle for the current partial exemption for clean fuel vehicles.

Committee Amendment "A" (S-101) proposed to replace the bill and extend the current sales and use tax exemption for certain clean fuel vehicles to January 1, 2010.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 308 **An Act To Extend the Tax Credit for Clean Fuel Infrastructure Development** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS BARTLETT	OTP-AM	H-189

LD 308 proposed to extend the income tax credit given for the construction of or improvements to any filling station for the purpose of providing clean fuels to the general public for use in motor vehicles. The tax credit is scheduled to end December 31, 2005; this bill would extend the credit for 3 years to December 31, 2008.

Committee Amendment "A" (H-189) proposed to incorporate a fiscal note.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

This bill was removed from the Special Appropriations Table in the Second Regular Session and indefinitely postponed. The substance of this bill was incorporated into the Supplemental Budget Bill as Public Law 2005, chapter, Part PPP, LD 1968, 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 Years Ending June 30, 2006 and June 30, 2007.

LD 325 **An Act To Clarify the Definition of "Domiciled" for Maine Income Tax Purposes** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	OTP-AM	H-588 H-658 CUMMINGS

LD 325 proposed to require the State Tax Assessor to adopt major substantive rules defining and clarifying the meaning of "domiciled" for Maine income tax purposes to eliminate uncertainty and promote voluntary compliance with Maine's income tax laws.

Committee Amendment "A" (H-588) proposed to provide specific limitations on the domicile concept in the definition of "resident individual" in the case of an individual who does not maintain a permanent place of abode in Maine and is present in Maine for only short periods of time. This amendment also proposed to provide that domicile determinations could not be based on the location of an individual's professional advisors or on charitable or political contributions.

House Amendment "A" To Committee Amendment "A" (H-658) proposed to provide that the specific limitations on the domicile concept in the definition of "resident individual" do not apply to members of the Armed Forces who are absent from Maine in compliance with military or naval orders and who remain Maine residents pursuant to federal law.

This bill and its adopted amendments were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

This bill was removed from the Special Appropriations Table in the Second Regular Session and indefinitely postponed. The substance of this bill as amended by Committee Amendment "A" with minor changes was incorporated into the Supplemental Budget Bill as Public Law 2005, chapter 519, Part G, LD 1968, 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 Years Ending June 30, 2006 and June 30, 2007.

LD 353 **An Act To Exempt the United States Flag and the Flag of the State of Maine from State Taxation** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted	
CRESSEY	ONTP	MAJ	H-77	
COURTNEY	OTP-AM	MIN	S-74	GAGNON

LD 353 proposed to exempt the sale of the United States flag from sales tax.

Committee Amendment "A" (H-77) proposed to add an effective date of October 1, 2005.

Senate Amendment "A" (S-74) proposed to expand the proposed exemption to include the sale of the flag of the State of Maine.

This bill and its adopted amendments were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 436 **An Act To Eliminate Estate Taxes on Family-owned Businesses** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
BOWEN	ONTP	MAJ	H-589
COURTNEY	OTP-AM	MIN	

LD 436 proposed to amend Maine's estate tax to conform to federal provisions beginning in 2005.

Committee Amendment "A" (H-589) proposed changes to reflect changes made in Public Law 2005, chapters 12 and 218.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 484 **An Act To Provide for an Advisory Referendum on Tax Restructuring** **FAILED ENACTMENT**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	OTP-AM MAJ ONTP MIN	H-812

LD 484 was a concept draft that proposed to increase the sales tax and expand the types of products subject to the sales tax. The increased revenue would be used for education funding. The bill would be sent to referendum.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

Committee Amendment "A" (H-812) proposed to replace the bill with an advisory referendum, submitting to the voters the question of whether they favor repealing certain sales tax exemptions in order to provide income tax relief and property tax relief in a revenue-neutral manner.

LD 535 **An Act To Clarify for Tax Purposes That Manure Removal and Storage Are Operations Directly Involved in the Raising and Care of Livestock** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON MILLETT	OTP-AM	S-88

LD 535 proposed to include in the definition of "commercial agricultural production" the removal and storage of manure related to the production of livestock, thus providing a sales tax exemption for machinery purchased for use in the removal and storage of manure as well as the electricity used to operate the machinery.

Committee Amendment "A" (S-88) proposed to add an effective date to the bill.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

This bill was removed from the Special Appropriations Table in the Second Regular Session and indefinitely postponed. The substance of this bill was incorporated into the Supplemental Budget Bill as Public Law 2005, chapter 519, Part QQQ, LD 1968, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.

LD 593 **An Act To Alter Trade-in Allowances Regarding Motor Homes** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
GERZOFSKY	OTP-AM	MAJ	H-75
COURTNEY	ONTP	MIN	

LD 593 proposed to allow a sales tax trade-in credit for motor homes.

Committee Amendment "A" (H-75) proposed to clarify the definition of "motor home."

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 613 **An Act To Provide Tax Incentives to Small Businesses** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted	
HANLEY S	OTP-AM	MAJ	H-109	
COWGER	ONTP	MIN	S-191	STRIMLING

LD 613 proposed to amend the Maine Employment Tax Increment Financing Act to change beginning January 1, 2006 from 5 to one the number of qualified employees a business must add in order to qualify for reimbursement of state income withholding taxes.

Committee Amendment "A" (H-109) proposed to add an appropriations and allocations section to the bill.

Senate Amendment "B" (S-191) proposed to prohibit an owner-operated business, when the only employee is the owner of the business, from obtaining a benefit under the Maine Employment Tax Increment Financing Act. If such a business were to add an employee, that employee could not have an ownership interest of 50% or more in the business and be considered a "qualified employee" for purposes of the business' obtaining a benefit.

This bill and its adopted amendments were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 626 **An Act Relating to the Sale of Foreclosed Property** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
TWOMEY	ONTP	A	H-590
BRYANT B	OTP-AM	B	
	OTP-AM	C	

LD 626 proposed to require a municipality that forecloses on residential real estate to return the excess funds, after subtracting the tax lien, interest, fees for recording the lien, costs of mailing notice, court costs and any other expenses incurred in disposing of the real estate. Notice of the availability of the excess funds would be provided to the former owner within 30 days of sale of the real estate or 180 days of the foreclosure, whichever is sooner. If the former owner fails to claim the excess funds within 36 months, the municipality would be required to remit the excess funds to the Treasurer of State for credit to the General Fund. The bill proposed to require any municipality that has availed itself of the tax lien foreclosure process since January 1, 2000 to return any excess funds to the former owners.

Committee Amendment "A" (H-590), a minority report of the committee, proposed to require a municipality to place a notice in a newspaper of general circulation containing certain financial information related to the sale of a foreclosed property when the municipality experiences a net gain of $10,000 or more from the sale.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 632 **An Act To Lower the Tax Burden for Small Businesses and Low-income Families** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
BOWEN	OTP-AM	H-586
COURTNEY		

LD 632 proposed to conform Maine income tax law to federal provisions concerning bonus depreciation and "Section 179" expensing by eliminating the required addition to income beginning in the 2005 tax year.

Committee Amendment "A" (H-586) proposed to incorporate changes enacted as part of Public Law 2005, chapter 12 and adds a section making the earned income tax credit refundable and restoring that credit to 5% of the federal credit for tax years beginning in 2005.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 672 **An Act To Promote Ornamental Horticulture by Amending the Definition of "Commercial Agricultural Production"** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER NUTTING J	OTP-AM	H-174

LD 672 proposed to restrict sales tax exemptions for certain agricultural products to those used in commercial agriculture and to expand the types of agricultural activities for which the exemptions are available. The bill also proposed to impose a sales tax on sales of automobile extended warranties.

Committee Amendment "A" (H-174) proposed to restrict the expansion of the agricultural sales tax exemptions proposed in the bill to products used in commercial production of greenhouse and nursery products. It also proposed to remove the expansion of the sales tax to automobile extended warranties.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 700 **An Act To Provide Tax Benefits for Sale of Leased Land Used as a Primary Residence** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
DAVIS P CLARK	ONTP OTP-AM	MAJ MIN	S-267

LD 700 proposed an income tax exemption for capital gains for a person who sells property to a person who, at the time of the sale, was leasing the property for use as a primary residence.

Committee Amendment "A" (S-267) proposed that the exemption would be available only when property is sold to an individual for use as that individual's homestead.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 716 **An Act To Create an Income Tax Checkoff To Support Veterans' Cemeteries** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
THOMPSON MARTIN	OTP-AM	H-176

LD 716 proposed to establish the Maine Veterans' Memorial Cemetery Maintenance Fund to provide for the maintenance and upkeep of Maine veterans' cemeteries funded by an income tax checkoff.

Committee Amendment "A" (H-176) proposed to add an appropriations and allocations section to the bill.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

This bill was removed from the Special Appropriations Table in the Second Regular Session and indefinitely postponed. The substance of this bill was incorporated into the Supplemental Budget Bill as Public Law 2005, chapter 519, Part RRR, LD 1968, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.

LD 791 **An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations** **PUBLIC 645**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-299
PINEAU		S-663 ROTUNDO

LD 791 proposed to amend the property tax exemption for property owned or used solely by benevolent and charitable institutions to permit a proportionate exemption when only a portion of the property is owned and occupied or used solely by the benevolent and charitable institution.

Committee Amendment "A" (S-299) proposed to replace the bill, change the title and expand the property tax exemption for veteran's organizations to apply to property owned, occupied and used by those organizations to further charitable purposes. If a portion of the property is used solely for purposes not related to the veterans' organization, that portion would be subject to property tax

Senate Amendment "A" to Committee Amendment "A" (S-663) proposed to add a mandate preamble and strike out an appropriations and allocations section.

Enacted law summary

Public Law 2005, chapter 645 expands the property tax exemption for veterans' organizations to include property owned, occupied and used by those organizations to further charitable purposes. If a portion of the property is used solely for purposes not related to the veterans' organization, that portion is subject to property tax.

LD 972 **An Act To Exempt Military Pensions for Future Military Retirees from State Income Tax** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
EBERLE	ONTP	MAJ	H-191
DAVIS P	OTP-AM	MIN	S-214 PERRY J

LD 972 proposed to exempt from the state income tax all military pension benefits for military personnel retiring on or after January 1, 2006 received by a Maine resident as a result of service in the active or reserve components of the Army, Navy, Air Force, Marines or Coast Guard.

Committee Amendment "A" (H-191) proposed changes to accomplish more effectively the intent of the bill.

Senate Amendment "A" To Committee Amendment "A" (S-214) proposed to apply the exemption from state income tax for military pension benefits to all military personnel, instead of just to those retiring after January 1, 2006.

This bill and its adopted amendments were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

A similar proposal was included in the Governor's Supplemental Budget Bill in the Second Regular Session as Part KK but was removed in the Committee Amendment to that bill. (See summary of LD 1968 included in the summaries of the Joint Standing Committee on Appropriations and Financial Affairs.)

LD 1074 **An Act To Stimulate Economic Development in Maine's Aviation Industry** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted
DAIGLE	OTP-AM	A	H-299
PERRY J	OTP-AM	B	
	ONTP	C	

LD 1074 proposed to expand the sales tax exemption for aircraft purchased or leased by a nonresident and immediately transported out of the State by including within the exemption sales or leases of any aircraft and repair or replacement parts used exclusively in aircraft or in the overhauling or rebuilding of aircraft.

Committee Amendment "B" (H-299) proposed to limit the exemption for aircraft to those that weigh over 6,000 pounds that are propelled by turbine engines or are in use by a Federal Aviation Administration classified 135 operator and to remove aircraft parts from the exemption.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

This bill was removed from the Special Appropriations Table in the Second Regular Session and indefinitely postponed. The issue addressed by this bill was also addressed in the Supplemental Budget Bill in Public Law

2005, chapter 2005, Part EE, LD 1968, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.

LD 1090 **An Act To Create a Grandparent-to-grandchild Exemption in the Real Estate Transfer Tax** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	OTP-AM	H-171
COURTNEY		

LD 1090 proposed to exempt from the real estate transfer tax deeds between grandparent and grandchild.

Committee Amendment "A" (H-171) proposed to incorporate a fiscal note.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

This bill was removed from the Special Appropriations Table in the Second Regular Session and indefinitely postponed. The substance of this bill was incorporated into the Supplemental Budget Bill as Public Law 2005, chapter 519, Part SSS, LD 1968, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.

LD 1102 **An Act To Connect the BETR Program with Job Retention** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted
CLARK	OTP-AM	A	
STRIMLING	ONTP	B	

LD 1102 proposed to require that a recipient of benefits under the Business Equipment Tax Reimbursement program be required to refund a portion of benefits received if the recipient reduces its work force by terminating or suspending positions for more than 3 months. If the person is required to refund a portion of the reimbursement, that person would not be permitted to participate in the BETR program for 2 years.

This bill was carried over by H.P. 1203 from the First Special Session of the 122nd Legislature.

See also LDs 1400, 1557, 1660 and 2056.

LD 1116 **An Act To Exempt from the Sales Tax Electricity Used in Homes** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
CAMPBELL	ONTP	MAJ	H-175
COURTNEY	OTP-AM	MIN	

LD 1116 proposed a sales tax exemption for persons who are 62 years of age or older for the purchase of residential electricity when that person's primary residence is heated with electricity.

Committee Amendment "A" (H-175) proposed to expand the sales tax exemption to include all sales of residential electricity on or after October 1, 2005.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 1158 **An Act To Allow Employee Retirement Disability Benefits To Be Eligible for the Pension Deduction under Maine Income Tax Law** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
DUDLEY	OTP-AM	H-585
STRIMLING		

LD 1158 proposed to expand the $6,000 pension exemption to include benefits received under a disability retirement plan policy administered by the State for state employees and teachers.

Committee Amendment "A" (H-585) proposed to expand the exemption to disability benefits received under any employee retirement plan.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 1165 **An Act To Encourage the Preservation of Affordable Housing** **PUBLIC 644**

Sponsor(s)	Committee Report		Amendments Adopted	
GLYNN	OTP-AM	MAJ	H-634	
	ONTP	MIN	S-664	ROTUNDO

LD 1165 proposed an income tax deduction for capital gains or depreciation recapture associated with the sale of a multifamily affordable housing property. It also proposed to exempt the sale of a multifamily affordable housing property from the real estate transfer tax.

Committee Amendment "A" (H-634) proposed to restructure the provisions of the bill to improve administration of the income tax deduction for capital gains and depreciation recapture associated with the sale of

multifamily affordable housing property. The amendment also proposed to delete the real estate transfer tax exemption for affordable housing from the bill

Senate Amendment "A" to Committee Amendment "A" (S-664) proposed to amend Committee Amendment "A" to incorporate changes in the law enacted since the bill was drafted. The amendment also proposed to decrease the Maine State Housing Authority's Other Special Revenue Funds share of real estate transfer tax revenue by $187,067 in fiscal year 2006-07 and increase the General Fund share of real estate transfer tax revenue by same amount to cover the net revenue loss and General Fund cost of the bill. It also proposed to move the General Fund appropriation of $20,000 from fiscal year 2005-06 to fiscal year 2006-07.

Enacted law summary

Public Law 2005, chapter 644 provides an income tax deduction for capital gains or depreciation recapture associated with the sale of a multifamily affordable housing property. This chapter also decreases the Maine State Housing Authority's share of real estate transfer tax revenue by $187,067 in fiscal year 2006-07 to cover the revenue loss associated with the new deduction.

LD 1258 **An Act To Provide for Department of Labor Services and Other Services in Unorganized Territories** **ONTP**

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

LD 1258 proposed to assess landowners in the unorganized territory a fee equal to .01% of equalized state valuation for the landowners' property. The revenue from the fee would be used to offset the cost of providing services, such as police and fire protection, game warden services and services provided by Department of Labor personnel, in the unorganized territory.

This bill was carried over by H.P. 1203 from the First Special Session of the 122nd Legislature.

LD 1328 **An Act To Amend the Maine Tree Growth Tax Law To Encourage Public Access** **INDEF PP**

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

LD 1328 proposed to deny Maine Tree Growth Tax Law eligibility for a parcel of land to which public access for recreational use is limited or prohibited.

This bill was carried over by H.P. 1203 from the First Special Session of the 122nd Legislature.

LD 1343 **An Act To Simplify Rent and Property Tax Relief** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDER STRIMLING	ONTP	

LD 1343 proposed that a claimant may apply for a benefit under the Maine Residents Property Tax Program on that claimant's individual income tax form.

This bill was carried over by H.P. 1203 from the First Special Session of the 122nd Legislature.

LD 1400 **An Act To Reduce Payments under the Business Equipment Tax Reimbursement Program and To Eliminate Double Dipping and Increase Conformity with the Internal Revenue Code** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

LD 1400 proposed to reduce reimbursement under the Business Equipment Tax Reimbursement (BETR) program to 90% of taxes paid and to reduce BETR program reimbursement by the amount of reimbursement under a tax increment financing district.

The bill also proposed to increase the State's conformity with the federal Internal Revenue Code by incorporating the federal exemption amount into the state estate tax and by conforming to the federal tax deductibility of health saving accounts.

Reimbursement under the BETR program was reduced for one year to 90% of taxes paid for the application period beginning August 1, 2006 in Public Law 2005, chapter 457, Part BBB.

This bill was carried over by H.P. 1203 from the First Special Session of the 122nd Legislature.

See also LDs 1102, 1557, 1660 and 2056.

LD 1552 **An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption** **PUBLIC 647**

Sponsor(s)	Committee Report	Amendments Adopted
CROSBY MAYO	OTP-AM	H-584 S-668 ROTUNDO

LD 1552 proposed to allow residents of a residential cooperative who are shareholders in that cooperative to benefit from the Maine resident homestead property tax exemption program by providing a property tax exemption to the owner of cooperative property equal to the standard amount of the exemption multiplied by the

number of units in the cooperative occupied by persons who would otherwise qualify for the homestead property tax exemption if they owned property qualifying as a homestead.

Committee Amendment "A" (H-584) proposed to clarify the method of applying the exemption for cooperative housing and change the application date from 2005 to 2006.

Senate Amendment "A" to Committee Amendment "A" (S-668) proposed to add a mandate preamble, remove the appropriations and allocations section and change the application date.

Enacted law summary

Public Law 2005, chapter 647 allows residents of a residential cooperative who are shareholders in that cooperative to benefit from the Maine resident homestead property tax exemption by providing a property tax exemption to the owner of the cooperative property equal to the amount of the standard homestead exemption multiplied by the number of units in the cooperative occupied by persons who would otherwise qualify for the homestead property tax exemption if they owned property currently qualifying as a homestead. The benefit must be passed on to the owners of the cooperative share.

LD 1557 **An Act To Improve the Business Equipment Tax Reimbursement Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING HUTTON	ONTP	

1557 proposed to prohibit reimbursement of property taxes under the Business Equipment Tax Reimbursement (BETR) program if the taxes also are reimbursed under a tax increment financing district agreement for property first placed into service on or after April 1, 2007. This bill also proposed to limit BETR reimbursement to 90% of the assessed taxes and reduce the number of years property is eligible for reimbursement from 12 years to 10 years. The savings generated would be used to fund a new program created jointly by the Department of Economic and Community Development and the Department of Administrative and Financial Services, Maine Revenue Services to provide tax assistance to small businesses based on need.

This bill was carried over by H.P. 1203 from the First Special Session of the 122nd Legislature.

See also LD 1102, 1400, 1660 and 2056

LD 1585 **An Act To Provide a Temporary Sales Tax Exemption for Prescription Drugs for Animals** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
MCKENNEY PERRY J	OTP-AM	H-440

LD 1585 proposed to provide a sales tax exemption for sales of medicines for animals sold on a doctor's prescription before July 1, 2005, if sales tax had not been collected. If a person collected sales tax on the sale of medicines for animals prior to July 1, 2005, that person would be required to remit those taxes to the State Tax Assessor.

Committee Amendment "A" (H-440) proposed to incorporate a fiscal note.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 1587 **An Act To Modernize Maine's Tax Code** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUDLEY STRIMLING	ONTP	

LD 1587 proposed the following components to reform Maine's tax structure.

Part A proposed to increase benefits under the Maine Residents Property Tax Program, the so-called "circuit breaker program," by changing the tax-to-income threshold to 100% of the benefit base that exceeds 5% of income; increasing the maximum rebate to $5,000; increasing the renter rebate to 25%; and allowing persons to use the income tax form to file for a refundable credit.

Part B proposed to increase from 5.1% to 8.5% the percentage of sales and income tax revenues transferred to the Local Government Fund for revenue sharing.

Part C proposed to reform the income tax by increasing the personal exemption amount to equal the federal amount, increase the earned income credit and make it refundable and create a 10% income tax bracket for income of $100,000 or more for single filers, $150,000 or more for persons filing as heads of household and $200,000 for persons filing married joint returns.

Part D proposed to include, in the services subject to the service provider tax, amusement and recreational, business, personal and professional services. The provision of those services would be subject to the 5% tax. Part D also proposed to eliminate the sales tax exemption for sales of short-term publications, limit the exemption on funeral services and repeal the exemption on coin-operated vending machine sales.

Part E proposed to increase the sales tax on lodging from 7% to 10%.

Part F proposed to reform the business equipment tax reimbursement (BETR) program by limiting state reimbursement to 70% of the taxes paid on eligible property reduced by the amount of tax reimbursement received for the property through a tax increment financing agreement.

Part G proposed to provide that, for property first placed in service in property tax years beginning after April 1, 2005, property used in, or in support of, the provision of a nonqualified service or a retail sales facility would not be eligible for BETR reimbursement.

This bill was carried over by H.P. 1203 from the First Special Session of the 122nd Legislature.

See also LDs 1595 and 1605.

LD 1594 **An Act To Provide an Income Tax Exemption to Recent College Graduates Who Work in Maine To Help Them Pay College Loans** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STEDMAN	ONTP	

LD 1594 proposed to establish the Graduate Retention Program, the purpose of which would be to encourage recent college or advanced degree program graduates to work in Maine. The program would be available to persons who are recent graduates of a postsecondary school, have outstanding education loans and promise to work for a Maine employer for at least 4 years. The program would allow eligible participants to have an amount withheld from their pay equal to or more than the standard withholding for Maine income taxes for a single individual. The amount withheld would be paid by the employer directly to the holder of the education loan and would be considered payment of Maine income taxes by the participant. Eligibility would be limited to 4 years.

This bill was carried over by H.P. 1203 from the First Special Session of the 122nd Legislature.

LD 1595 **An Act To Rebalance Maine's Tax Code** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY PERRY J	ONTP	

LD 1595 proposed to make the following major changes to Maine's tax structure beginning January 1, 2006.

Part A proposed to change the existing graduated income tax program into a flat tax rate of 6% and repeal the alternative minimum tax.

Part B proposed to tie the standard deduction and personal exemption under the income tax to the same amount as the federal standard deduction and personal exemption and eliminate the so-called “marriage penalty.”

Part C proposed to restore the income tax credit for child care expenses to 25% of the federal tax credit.

Part D proposed to increase the earned income tax credit to 25% of the federal earned income credit and make it refundable.

Part E proposed to conform the deductibility of health savings accounts and business expensing to federal law.

Part F proposed to increase the exemption for estates under the estate tax to the same amount as under federal law.

Part G proposed to amend the Maine Residents Property Tax Program, also known as the circuit breaker program, by raising the maximum benefit from $2,000 to $3,000 and increasing to $5,000 the maximum property taxes and rent constituting property taxes that may be considered in calculating the benefit.

Part H proposed to repeal certain sales tax exemptions and expand the application of the sales and use tax.

Part I proposed to decrease the general sales tax rate and the service provider tax rate from 5% to 4%. Part I also proposed to increase the rate of sales tax imposed on liquor sold in licensed establishments from 7% to 10%; lodging in a hotel, rooming house or tourist or trailer camp from 7% to 10%; the rental of a motor vehicle for less than one year from 10% to 20%; and prepared food from 7% to 8%.

Part J proposed to increase the real estate transfer tax from $2.20 per $500 to $5.00 per $500.

Part K proposed to provide an income tax credit of 50% of the real estate transfer tax paid on a permanent residence.

Part L proposed to increase the tax on cigarettes by 50¢ to $1.50 per pack, the tax on smokeless tobacco products from 62% to 100% of the wholesale price, the tax on cigars from 16% to 25% of the wholesale price and the tax on other tobacco products from 16% to 100% of the wholesale sales price.

Part M proposed to increase the excise tax on malt liquor from 25¢ per gallon to 50¢ per gallon, on wine from 30¢ per gallon to $1 per gallon and on hard cider from 25¢ per gallon to $1 per gallon.

Committee Amendment "A" (H-698) proposed to replace the original bill and make the following changes to Maine tax law.

Part A proposed to increase the low-income tax credit under the income tax by increasing the threshold of taxable income below which no taxes are due from $2,000 to $4,000 for single individuals and married persons filing separately, $6,000 for persons filing as heads of households and $8,000 for persons filing married joint returns.

Part B proposed to conform the standard deduction under the income tax to the federal standard deduction beginning with the 2006 tax year, thereby eliminating the marriage penalty.

Part C proposed to conform the personal exemption under the income tax to the same amount as the federal personal exemption.

Part D proposed to lower the top income tax rate from 8.5% to 8.25% for the 2006 tax year.

Part E proposed to conform the income tax treatment of health savings accounts to the federal income tax exclusion and deduction.

Part F proposed to increase state reimbursement for the homestead exemption to 100% of municipal property taxes lost as a result of the exemption beginning in 2006.

Part G proposed to increase the maximum benefit under the Maine Residents Property Tax program from $2,000 to $3,000 and increase to $5,000 the maximum amount of property tax that may be used to calculate benefits.

Part H proposed to expand the tax base under the sales tax by repealing sales tax exemptions for packaging materials, ships' stores, railroad track materials and certain short-term rentals and by extending the sales tax to amusements, personal services, personal property services, home care services, real property services, lawn and landscaping services, taxi, limousine and same day courier services, telephone directory advertising and safe deposit box rental. This Part also proposed to reinstitute the sales tax on snack foods and extend the service provider tax to basic cable and satellite television and radio service and to consumer interstate telephone calls.

Part I proposed to increase the sales tax on meals and lodging, liquor served at licensed establishments and prepared food from 7% to 8% and increase the sales tax on short-term rentals of automobiles from 10% to 15%. Part J proposed to increase the excise tax on malt liquor from 25¢ per gallon to 60¢ per gallon, on wine from 30¢ per gallon to $1 per gallon and on hard cider from 25¢ per gallon to $1 per gallon.

Part K proposed to establish a tax on the distribution, manufacture and wholesale of soft drinks and soft drink products.

Part L proposed to change the rate structure for the real estate transfer tax to provide that a transferor and a transferee of the property must pay a transfer tax starting at $1 per $1,000 of value of the property for property valued at less than $100,000, increasing to $7 per $1,000 of value for real estate with a value exceeding $1,000,000. The revenue from the portion of the tax received to the State and attributable to transfers by deed tax is credited 65% to the General Fund and 35% to the Housing Opportunities for Maine Fund.

Part M proposed to require the State to pay 55% of the costs of essential programs and services under the education finance laws beginning in fiscal year 2006-07.

Part N proposed to require the transfer to the Maine Budget Stabilization Fund of General Fund revenue raised by this amendment that is estimated to exceed expenditures authorized by this amendment to be available to fund the State's commitment to education funding in future years.

Part O proposed to add an appropriations and allocations section.

This bill was recommitted to the Joint Standing Committee on Taxation and carried over by H.P. 1203 from the First Special Session of the 122nd Legislature.

See also LDs 1587 and 1605.

LD 1605 **An Act To Reform the Income Tax for Middle-income and Lower-income Families** **ONTP**

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

LD 1605 proposed to repeal exemptions, credits and refunds under the sales and use tax and the service provider tax, lower the rate of those taxes from 5% to 2% and change the income tax rates. It also proposed to increase the earned income tax credit and make that credit refundable and increase the personal exemption to match the federal exemption.

This bill was carried over by H.P. 1203 from the First Special Session of the 122nd Legislature.

See also LDs 1587 and 1595.

LD 1607 **An Act To Provide Incentives for Maine Film Production** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	ONTP	
SAVAGE		

LD 1607 proposed to establish a tax benefit for media production companies making productions in whole or in part in Maine. Under the bill, a media production company that meets certain criteria would be allowed a reimbursement of taxes withheld from wages related to the Maine production.

This bill was carried over by H.P. 1203 from the First Special Session of the 122nd Legislature.

The substance of this bill was incorporated into the Supplemental Budget Bill as Public Law 2005, chapter 519, Part GG, LD 1968, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.

LD 1625 **An Act To Fully Fund the Homestead Exemption** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
COWGER	OTP-AM	MAJ	S-306
BOWLES	ONTP	MIN	

LD 1625 proposed to increase state reimbursement to municipalities for property taxes foregone due to the homestead property tax exemption to 100%.

Committee Amendment "A" (S-306) proposed to fund the increase in state reimbursement for the homestead exemption by a transfer of funds that are projected to be available in the Maine Budget Stabilization Fund and statewide deappropriations. The Commissioner of Administrative and Financial Services would be directed to present legislation to implement the deappropriations. If none were presented, the Governor would be directed to make curtailments consistent with the deappropriations.

This bill and its adopted amendment were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature and died on adjournment of the Second Regular Session.

LD 1647 **An Act To Award Income Tax Credits for Boiler or Furnace Systems That Reduce or Eliminate Certain Pollutants** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
DUDLEY PERRY J	OTP-AM	H-628

LD 1647 proposed to provide a credit against corporate income taxes to businesses that put into operation on or after June 1, 2005 a furnace or boiler system that burns organic material and eliminates nitrogen oxides without increasing other pollutants or reduces particulate emissions to a level that is 20% below standards established by the Department of Environmental Protection, Board of Environmental Protection. The credit would be equal to 1.5¢ per kilowatt-hour or its equivalent in heat energy produced by the furnace or boiler system. A business with an existing boiler or furnace system placed into operation prior to June 1, 2005 could qualify for the tax credit if it modified its boiler or furnace system to burn more cleanly, but only to the extent of the kilowatt-hours or equivalent heat energy attributable to the modification.

Committee Amendment "A" (H-628) proposed to extend the income tax credit to businesses that are not corporations, eliminate the transferability of credits, require certifications of eligible systems by the Department of Environmental Protection, clarify the application of the credit and repeal the credit after 5 years. The amendment also proposed to require the Department of Administrative and Financial Services, Bureau of Revenue Services to report annually on the use of the credit as part of its economic development incentive report.

This bill, and its adopted amendment, was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

This bill was removed from the Special Appropriations Table in the Second Regular Session and indefinitely postponed. The substance of this bill, as amended, was incorporated into the Supplemental Budget Bill as Public Law 2005, chapter 519, Part TTT, LD 1968, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.

LD 1660 **An Act To Reduce Income Taxes and Encourage Economic Growth in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY PERRY J	ONTP	

LD 1660, a Governor's Bill, proposed the following changes to Maine income tax and the taxation of business personal property.

Part A proposed to increase the existing low-income tax credit threshold from $2,000 to $4,750. The increase in the threshold would apply to tax years beginning after 2004 and be funded through tax year 2009 by suspending the annual inflation adjustment to the dollar bracket amounts of the individual income tax schedules.

Part A also proposed to reduce individual income tax rates in 3 ways. First, it proposed to reduce the top marginal tax rate from 8.5% to 8.45% for tax years beginning with 2005. Second, for tax years 2006 to 2009, it proposed to use a portion of the revenue savings from the suspension of the annual inflation adjustment to permanently reduce the tax rates over the same period. The annual inflation adjustment would be reinstated for tax years beginning after 2009. Third, starting with tax years beginning in 2008, the rates would be further reduced 1% each year until the 2005 rates have been reduced by a total of 10% by virtue of this adjustment. This rate reduction would be applied prior to, and in addition to, the rate reduction funded from suspending the inflation adjustment. The rate reductions effected by Part A would be permanent. The individual alternative minimum tax rates would also be reduced to ensure that taxpayers do not become subject to the Maine alternative minimum tax solely as a result of the regular income tax rate reductions.

Part B proposed to establish a property tax exemption for property of qualified businesses that would be first subject to property tax assessment on or after April 1, 2007 in the absence of the exemption. Property first subject to property tax assessment prior to April 1, 2007 would remain eligible for the Business Equipment Tax Reimbursement, "BETR," program for the duration of the 12-year window for BETR program entitlement. Property that is no longer eligible for the BETR program because it has been subject to BETR reimbursement for the full 12-year period for BETR program entitlement would then be eligible for the business equipment property tax exemption.

Part B further proposed to establish the rate of reimbursement the State must pay to municipalities for property tax revenue lost as a result of the exemption. For the 2007 and 2008 property tax years, the rate of reimbursement would be 75% and for 2009 and subsequent property tax years, the rate of reimbursement would be 50%. Municipalities would be reimbursed 100% with respect to property that is no longer eligible for the BETR program because it has been subject to BETR reimbursement for the full 12-year period for BETR program entitlement.

This bill was carried over by H.P. 1203 from the First Special Session of the 122nd Legislature.

See also LDs 1102, 1400, 1557 and 2056.

LD 1710 **Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory** **RESOLVE 135**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY PERRY J	OTP-AM	H-756

LD 1710 proposed to authorize the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired by the State for nonpayment of property taxes.

Committee Amendment "A" (H-756) proposed to incorporate a fiscal note.

Enacted law summary

Resolve 2005, chapter 135 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired by the State for nonpayment of property taxes.

LD 1711 **An Act To Make Minor Substantive Changes to the Tax Laws** **PUBLIC 622**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY PERRY J	OTP-AM	H-974

LD 1711 proposed to make the following changes to the laws governing taxation.

It proposed to allow a fuel tax registration violation to be prosecuted in Kennebec County or in the county where the violation occurred.

It proposed to authorize the payment of fees imposed for recording a lien or lien discharge directly from the General Fund.

It proposed to the State Tax Assessor to establish procedures for payment of taxes by credit card and to contract with one or more entities for the purpose of accepting and processing credit card transactions.

It proposed to establish that sales of property or services purchased for resale, lease or rental in the ordinary course of business by the person making the sale are not casual sales.

It proposed to clarify that a sales and use tax exemption provided to a person based upon its charitable, nonprofit or other public purposes applies only if the property or service purchased is intended to be used by the person primarily in the activity identified by the particular exemption.

It proposed to clarify that a service provider tax exemption provided to a person based upon its charitable, nonprofit or other public purposes applies only if the service purchased is intended to be used by the person primarily in the activity identified by the particular exemption.

It proposed to allow a dyed fuel violation to be prosecuted in Kennebec County or in the county where the violation occurred.

It proposed to enact a definition of "value" in Maine estate tax law and repeals language elsewhere in the law that effectively defines "value." The new definition would provide that the value of an estate or property included in an estate is the value determined by the State Tax Assessor in accordance with the Internal Revenue Code.

It proposed to permit the State Tax Assessor to allow a licensed cigarette distributor up to 30 days to pay for cigarette tax stamps if the distributor has posted a bond of 50% of the amount of the cigarette stamp purchases.

It proposed to allow bonus depreciation, Section 179 expense and net operating loss addition modifications claimed by a C corporation to be recaptured by individual shareholders of the corporation if it elects to be treated as an S corporation in a subsequent year.

It proposed to change the date for the annual report to the Legislature regarding the BETR/TIF overlap from January 15th to March 15th and requires BETR applicants to provide BETR/TIF overlap information to the State Tax Assessor.

It proposed to exclude from the Maine estate tax real and tangible personal property owned by a resident of the State that is not located in the State.
It proposed to provide that only a sale of personal property for value will qualify for an automatic estate tax lien release and to clarify the commencement and duration of the estate tax lien.

Committee Amendment "A" (H-974) proposed to add additional technical and minor substantive changes that reorganize parallel exemption provisions in the sales and use tax and the service provider tax for greater clarity, strike a section relating to casual sales and a section relating to estate tax liens, make changes relating to the estate tax to provide greater clarity and to reflect recent enactments, add a provision updating the property tax exemption for paraplegic veterans and amend application dates. The amendment also proposed to allow a taxpayer to qualify for the 80% employment tax increment financing benefit for employment inside a Pine Tree Development Zone even if it also claims a jobs and investment tax credit for qualified investment outside a Pine Tree Development Zone.

Enacted law summary

Public Law 2005, chapter 622 is the annual bill submitted by the Department of Administrative and Financial Services to make minor substantive and technical changes to the laws governing taxation. Chapter 622 makes the following changes.

It allows a fuel tax registration violation to be prosecuted in Kennebec County or in the county where the violation occurred.

It authorizes the payment of fees imposed for recording a lien or lien discharge directly from the General Fund.

It authorizes the State Tax Assessor to establish procedures for payment of taxes by credit card and to contract with one or more entities for the purpose of accepting and processing credit card transactions.

It updates the property tax exemption for paraplegic veterans.

It reorganizes parallel exemption provisions in the sales and use tax and the service provider tax for greater clarity.

It clarifies that a sales and use tax exemption provided to a person based upon its charitable, nonprofit or other public purposes applies only if the property or service purchased is intended to be used by the person primarily in the activity identified by the particular exemption.

It clarifies that a service provider tax exemption provided to a person based upon its charitable, nonprofit or other public purposes applies only if the service purchased is intended to be used by the person primarily in the activity identified by the particular exemption.

It allows a dyed fuel violation to be prosecuted in Kennebec County or in the county where the violation occurred.

It enacts a definition of "value" in Maine estate tax law and repeals language elsewhere in the law that effectively defines "value."

It permits the State Tax Assessor to allow a licensed cigarette distributor up to 30 days to pay for cigarette tax stamps if the distributor has posted a bond of 50% of the amount of the cigarette stamp purchases.

It allows bonus depreciation, Section 179 expense and net operating loss addition modifications claimed by a C corporation to be recaptured by individual shareholders of the corporation if it elects to be treated as an S corporation in a subsequent year.

It excludes from the Maine estate tax real and tangible personal property owned by a resident of the State that is not located in the State.

It allows a taxpayer to qualify for the 80% employment tax increment financing benefit for employment inside a Pine Tree Development Zone even if it also claims a jobs and investment tax credit for qualified investment outside a Pine Tree Development Zone.

LD 1729 **An Act To Promote College Savings Accounts** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DRISCOLL BARTLETT	ONTP	

LD 1729 was a concept draft pursuant to Joint Rule 208 that proposed to amend the law to provide a state income tax deduction for contributions to in-state and out-of-state qualified state tuition programs, or "529 college savings plans."

The substance of this bill was incorporated into the Supplemental Budget Bill as Public Law 2005, chapter 519, Part LLL, LD 1968, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.

LD 1739 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Property Tax Exemption for Lobster Traps** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report		Amendments Adopted
ANDREWS	ONTP	MAJ	S-552
	OTP-AM	MIN	

LD 1739 was a concept draft pursuant to Joint Rule 208 that proposed to clarify the law regarding the taxable status of lobster traps and eliminate the inconsistent treatment of lobster traps from municipality to municipality.

Committee Amendment "A" (S-552) proposed to amend the Constitution of Maine to establish a property tax exemption for lobster traps.

See also LDs 2052 and 2053.

LD 1749 **An Act To Clarify the Taxable Status of Processing Fees Charged in Connection with Cancelled Lodging Reservations** **PUBLIC 675**

Sponsor(s)	Committee Report	Amendments Adopted
COWGER	OTP-AM	S-530
KOFFMAN		

LD 1749 proposed to clarify the sales tax law to provide a sales tax exemption for processing fees or forfeited advance deposits held by an innkeeper in connection with a cancelled reservation or the failure of a guest to be present on the scheduled day of arrival.

Committee Amendment "A" (S-530) proposed to clarify the taxable status of forfeited deposits and cancellation fees for rental of living quarters under the sales tax by providing that those deposits or fees are not subject to sales tax if the rental is cancelled on or before the scheduled date of arrival. The amendment proposed to make this clarification retroactive to January 1, 2001 and to provide that a person who has paid or collected sales tax on forfeited deposits or cancellation fees would not be entitled to a refund.

Enacted law summary

Public Law 2005, chapter 675 clarifies the taxable status under the sales tax laws of forfeited deposits and cancellation fees for rental of living quarters by providing that those deposits or fees are not subject to sales tax if the rental is cancelled on or before the scheduled date of arrival. The clarification is retroactive to January 1, 2001 and provides that a person who has paid or collected sales tax on forfeited deposits or cancellation fees is not entitled to a refund.

LD 1751 **An Act Concerning Technical Changes to the Tax Laws** **PUBLIC 618**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	OTP-AM A	S-571
WOODBURY	OTP-AM B	

LD 1751 is the annual bill presented by the Department of Administrative and Financial Services, Bureau of Revenue Services to make technical changes to the laws governing taxation. In addition to correcting punctuation errors, standardizing archaic language and correcting cross-references, the bill proposed to make the following changes to the laws governing taxation.

It proposed to add a definition of "manufactured housing" to the sales and use tax law. The definition being added is the one that has been applied administratively by the Department of Administrative and Financial Services, Bureau of Revenue Services.

It proposed to eliminate a sales tax exemption that is not currently being administered because the Office of the Attorney General has advised the Bureau of Revenue Services that it violates the commerce clause of the United States Constitution.

It proposed to replace the imprecise phrase "mobile and modular homes" with the defined term "manufactured housing."
It proposed to eliminate a superfluous cross-reference and to eliminate other redundant language.

It proposed to enact various technical changes to clarify a statute enacted in 2005 that altered the Maine income tax calculation for multistate corporations.

It proposed to clarify that the Pine Tree Development Zone tax credit may not be carried forward indefinitely to offset future income in years beyond the Pine Tree Development Zone time period. This is the interpretation being applied administratively by the Bureau of Revenue Services.

It proposed to eliminate the solid waste reduction investment tax credit, which is no longer available.

It proposed to correct a reference to the name of the state agency that certifies investments for the quality child care investment credit.

It proposed to clarify that estates and trusts must file a Maine income tax return if they owe Maine income tax, even if their Maine taxable income is zero or less. This is the interpretation being applied administratively by the Bureau of Revenue Services.

It proposed to clarify the definition of "income" for purposes of the Maine Residents Property Tax Program.

It proposed to clarify the procedure for payment of claims under the Business Equipment Tax Reimbursement program.

It proposed to clarify that Maine elective property owned by an estate of a nonresident is subject to Maine estate tax.

Committee Amendment "A" (S-571) proposed to add a provision authorizing the Maine Residents Property Tax Program to be referred to as "the Circuitbreaker Program."

Enacted law summary

Public Law 2005, chapter 618 is the annual bill presented by the Department of Administrative Services, Bureau of Revenue Services to make technical changes to the laws governing taxation. Chapter 618 makes the following changes.

It adds a definition of "manufactured housing" to the sales and use tax law. The definition is the one that has been applied administratively by the Department of Administrative and Financial Services, Bureau of Revenue Services.

It eliminates a sales tax exemption that is not currently being administered because the Office of the Attorney General has advised the Bureau of Revenue Services that it violates the commerce clause of the United States Constitution. The section also clarifies an ambiguous cross-reference.

It replaces the imprecise phrase "mobile and modular homes" with the defined term "manufactured housing."

It enacts various technical changes to clarify a statute enacted in 2005 that altered the Maine income tax calculation for multistate corporations.

It clarifies that the Pine Tree Development Zone tax credit cannot be carried forward indefinitely to offset future income in years beyond the Pine Tree Development Zone time period. This is the interpretation currently being applied administratively by the Bureau of Revenue Services.
It eliminates the solid waste reduction investment tax credit, which is no longer available.

It corrects the name of the state agency that certifies investments for the quality child care investment credit.

It clarifies that estates and trusts must file a Maine income tax return if they owe Maine income tax, even if their Maine taxable income is zero or less. This is the interpretation currently being applied administratively by the Bureau of Revenue Services.

It clarifies the definition of "income" for purposes of the Maine Residents Property Tax Program.

It clarifies the procedure for payment of claims under the Business Equipment Tax Reimbursement program.

It clarifies that Maine elective property owned by an estate of a nonresident is subject to Maine estate tax.

It authorizes the Maine Residents Property Tax Program to be referred to as "the Circuitbreaker Program."

It corrects punctuation errors, standardizes archaic language and corrects cross-references.

LD 1761 **An Act To Offer Financial Institutions an Option for Payment of the Maine Franchise Tax** **PUBLIC 608**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	OTP-AM MAJ ONTP MIN	H-953 WOODBURY S-453

LD 1761 proposed an alternative tax calculation for purposes of the franchise tax for financial institutions by permitting a financial institution to choose either the current method based on Maine net income and Maine assets or the alternative method for calculating the franchise tax based on Maine assets only. The election would be irrevocable for that tax year. The bill would apply to tax years ending after December 31, 2005.

Committee Amendment "A" (S-453) proposed technical corrections to the bill.

House Amendment "A" to Committee Amendment "A" (H-953) proposed to change the application date of the bill to tax years beginning on or after January 1, 2006.

Enacted law summary

Public Law 2005, chapter 608 provides an alternative method of tax calculation for purposes of the franchise tax for financial institutions beginning with tax years beginning on or after January 1, 2006. A financial institution may elect either the current method of calculation based on Maine net income and Maine assets or the alternative method based on solely Maine assets. The election is irrevocable for the tax year for which it is chosen.

LD 1775 **An Act To Establish a Refundable Historic Rehabilitation Credit** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

LD 1775 proposed to allow a refundable income tax credit based on qualified historic rehabilitation to a developer that owns 2 or more structures located in the Kennebec Arsenal District National Historic Landmark. The credit would be equal to the federal credit but limited to $500,000 per year and allowed only for 4 consecutive tax years beginning in 2006.

The substance of this bill was incorporated into the Supplemental Budget Bill as Public Law 2005, chapter 519, Part H, LD 1968, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.

See also LD 2079.

LD 1796 **Resolve, Concerning the Assessment of Property Subject to Affordable Housing Limitations and Benefits** **RESOLVE 170**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J CLOUGH	OTP-AM	S-531

LD 1796 proposed, for property tax purposes, to exclude from the "just value" of federal low-income housing credit property the effect of the presence of intangible assets or rights such as contracts, agreements. subsidies, credits and licenses.

Committee Amendment "A" (S-531) proposed to change the bill to a resolve directing the Department of Administrative and Financial Services, Bureau of Revenue Services to review factors affecting the assessment of affordable housing property, prepare informational materials for municipal assessors and report to the joint standing committee of the Legislature having jurisdiction over taxation matters by January 10, 2007.

Enacted law summary

Resolve 2005, chapter 170 directs the Department of Administrative and Financial Services, Bureau of Revenue Services to review factors affecting the assessment of affordable housing property for property tax purposes. The resolve also directs the bureau to provide an informational program and materials for municipal assessors and requires a report to the joint standing committee of the Legislature having jurisdiction over taxation matters.

LD 1797 **An Act To Clarify the Qualifications for the Maine Residents Property Tax Program** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN HUTTON	OTP-AM	S-532

LD 1797 proposed to allow homeowners who rent out their home for less than one month a year to qualify for the Maine Residents Property Tax Program.

Committee Amendment "A" (S-532) proposed to clarify the language allowing certain homeowners who rent their homesteads for up to 31 days in the aggregate during the year to qualify for benefits under the Maine Residents Property Tax Program and to prorate benefits to reflect the rental period. The amendment also proposed to apply the new language to applications filed on or after August 1, 2006, remove emergency provisions, reorganize language for greater clarity and add an appropriations and allocations section.

This bill and its adopted amendment were placed on the Special Appropriations Table and died on adjournment of the Second Regular Session.

LD 1799 **An Act To Exempt Trail-grooming Equipment from the Personal Property Tax** **PUBLIC 652 EMERGENCY**

Sponsor(s)	Committee Report		Amendments Adopted	
DAVIS P	OTP-AM	MAJ	S-452	
	ONTP	MIN	S-685	ROTUNDO

LD 1799 proposed a property tax exemption for snow grooming equipment and machinery.

Committee Amendment "A" (S-452) proposed that the property tax exemption apply only to snowmobile trail-grooming equipment registered with the Department of Conservation.

Senate Amendment "A" to Committee Amendment "A" (S-685) proposed that the property tax exemption for snow grooming equipment apply retroactively to property taxes based on the status of property on or after April 1, 2006 and that a mandate preamble and emergency preamble and clause be added.

Enacted law summary

Public Law 2005, chapter 652 provides a property tax exemption beginning April 1, 2006 for snowmobile trail-grooming equipment registered with the Department of Conservation.

Public Law 2005, chapter 652 was enacted as an emergency measure effective May 30, 2006.

LD 1809 **An Act To Provide Additional Property Tax Relief to Maine Citizens** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	ONTP	

LD 1809 was a concept draft pursuant to Joint Rule 208. It proposed to require municipalities, beginning in fiscal year 2006-07, to use 90% of any increase in state funding for education for property tax relief.

LD 1823 **An Act To Exempt Vegetable Seeds for Home Gardens from the Sales Tax** **DIED BETWEEN BODIES**

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

LD 1823 proposed to create a sales tax exemption for vegetable seeds used to grow crops in home gardens.

LD 1836 **An Act To Amend the Laws Governing the Assessment of Property Taxes in the Event of a Change of Ownership of the Property** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN ROTUNDO	ONTP	

LD 1836 proposed to relieve a previous owner of property of certain property taxes if the previous owner provides certain information, such as a copy of the executed deed, to the assessor.

LD 1844 **An Act To Amend the Laws Governing the Excise Tax on New Automobiles** **ONTP**

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

LD 1844 was a concept draft pursuant to Joint Rule 208. It proposed to amend the laws governing the excise tax on new automobiles.

LD 1856 **An Act To Conform the Maine Tax Laws for 2005 to the United States Internal Revenue Code** **PUBLIC 486 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	OTP	

LD 1856 proposed to update references to the United States Internal Revenue Code contained in the Maine Revised Statutes, Title 36 to the United States Internal Revenue Code as amended through December 31, 2005 for tax years beginning on or after January 1, 2005 and for any prior years as specifically provided by the United States Internal Revenue Code.

Enacted law summary

Public Law 2005, chapter 486 updates references to the United States Internal Revenue Code contained in the Maine Revised Statutes, Title 36 to the United States Internal Revenue Code as amended through December 31, 2005 for tax years beginning on or after January 1, 2005 and for any prior years as specifically provided by the United States Internal Revenue Code. The bill affects Maine's income tax and estate tax laws.

Public Law 2005, chapter 486 was enacted as an emergency measure effective March 13, 2006.

LD 1857 **An Act Relating to the Assessment of Property Taxes on Time-share Property** **PUBLIC 607**

Sponsor(s)	Committee Report	Amendments Adopted
DUPLESSIE	OTP-AM	H-993

LD 1857 proposed to require that the taxable value of time-share property be calculated in the same manner as if the unit were a residential condominium unit owned by a single taxpayer. The managing entity of the time-share development would divide the property tax proportionately among the time-share owners based on each time-share owner's assessment for costs. It also proposed to require the managing entity to collect property taxes from owners and remit the property taxes to the municipality.

Committee Amendment "A" (H-993) proposed to clarify that an assessor may consider the value of a time-share estate listed on a declaration of value form under the real estate transfer tax when valuing the property for property tax purposes. The amendment also proposed that a managing entity of time-share property that collects money for property taxes be required to pay outstanding property tax amounts no later than 30 days after the date it collected those taxes or 10 months after the date of the property tax commitment, whichever is earlier.

Enacted law summary

Public Law 2005, chapter 607 clarifies that an assessor may consider the value of a time-share estate listed on a declaration of value form under the real estate transfer tax when valuing the property for property tax purposes. It also provides that a managing entity of time-share property that collects money for property taxes must pay outstanding property tax amounts no later than 30 days after the date it has collected those taxes or 10 months after the date of the property tax commitment, whichever is earlier.

LD 1893 **An Act To Adjust the Excise Tax Filing Schedule for Wine and Beer Producers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUNN PERRY J	ONTP	

LD 1893 proposed to change the excise tax filing schedule for wineries and breweries to coincide with the sales tax schedule. The bill also proposed to require that the excise tax be calculated based on the calendar year basis beginning in 2007.

LD 1917 **An Act To Establish Requirements and Standards for Health Savings Accounts for Small Businesses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	ONTP	

LD 1917 was a concept draft pursuant to Joint Rule 208 that proposed to set reasonable standards for health savings accounts for small business owners and their employees who want to establish health savings accounts.

See also LD 195.

LD 1965 **An Act To Ensure the Ability of Municipalities To Provide Assistance to Their Citizens** **PUBLIC 515 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM	S-481

LD 1965 proposed to exempt from the municipal property tax cap amounts appropriated by a municipality to support a general assistance program.

Committee Amendment "A" (S-481) proposed to replace the provisions of the bill and to provide that municipal spending limitations do not need to be adjusted for changes in state reimbursement for general assistance expenses if those changes are the result of operation of the statutory formula for the general assistance program.

Enacted law summary

Public Law 2005, chapter 515 provides that municipal spending limitations do not need to be adjusted for changes in state reimbursement for general assistance expenses if those changes are the result of operation of the statutory formula for the general assistance program.

Public Law 2005, chapter 515 was enacted as an emergency measure effective March 28, 2006.

LD 1972 **An Act To Preserve Maine's Working Waterfront** **PUBLIC 609**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON PERCY	OTP-AM	S-602

LD 1972 was a concept draft pursuant to Joint Rule 208 that proposed to implement an amendment to the Constitution of Maine approved by the voters in November 2005 to permit the Legislature to authorize current use taxation of waterfront land that is used for or that supports commercial fishing activities.

Committee Amendment "A" (S-602) proposed statutory language to implement the amendment to the Constitution of Maine approved by the voters in 2005.

The amendment proposed to implement current use valuation of working waterfront land according to a process that is similar to the current use valuation of open space land. Working waterfront land would be land used at least 50% to provide access to or support the conduct of commercial fishing activities. Current use value would be the value of the land if it were required to remain in its current use as working waterfront land. Assessors would be directed to determine current use value by eliminating valuation factors unrelated to working waterfront use and by comparison to similar types of uses. If there is insufficient data to support comparative valuation, the assessor could use a formula that reduces the valuation of the working waterfront land based on the percentage of use as working waterfront land and the existence of permanent restrictions on use.

A penalty would be established for withdrawal of land from current use valuation as working waterfront land. The penalty would be the same as for withdrawal from tree growth current use valuation and would be equal to the higher of the difference in taxes that would have been paid over the previous 5 years and a percentage of the difference between the current use value and the just value on the date of withdrawal. The percentage would be 30% for land that has been classified for 10 years or less and decrease one percentage point each year until it reaches 20% after the land has been classified for 20 years.

The amendment also proposed to require the State Tax Assessor, in conjunction with interested parties, to analyze and report on sales experience of working waterfront land every 2 years and to make recommendations to improve the effectiveness of working waterfront current use valuation.

Enacted law summary

Public Law 2005, chapter 609 implements an amendment to the Constitution of Maine adopted by the voters in November 2005 to permit the Legislature to provide for the current use valuation for property tax purposes of waterfront land used for or to support commercial fishing activities.

Chapter 609 provides for current use valuation of working waterfront land according to a process that is similar to the current use valuation of open space land. Working waterfront land is land used at least 50% to provide access to or support the conduct of commercial fishing activities. Current use value is the value of the land if it were required to remain in its current use as working waterfront land. Assessors are directed to determine current use value by eliminating valuation factors unrelated to working waterfront use and by comparison to similar types of uses. If there is insufficient data to support comparative valuation, the assessor may use a formula that reduces the valuation of the working waterfront land based on the percentage of use as working waterfront land and the existence of permanent restrictions on use.

A penalty is established for withdrawal of land from current use valuation as working waterfront land. The penalty is the same as for withdrawal from tree growth current use valuation and is equal to the higher of the difference in taxes that would have been paid over the previous 5 years and a percentage of the difference between the current use value and the just value on the date of withdrawal. The percentage is 30% for land that has been classified for 10 years or less and decreases one percentage point each year until it reaches 20% after the land has been classified for 20 years.

Chapter 609 also requires the State Tax Assessor, in conjunction with interested parties, to analyze and report on sales experience of working waterfront land every 2 years and to make recommendations to improve the effectiveness of working waterfront current use valuation.

LD 1989 **Resolve, Directing the State Board of Property Tax Review To Accept and Review the Appeal Filed by the Town of Palermo** **RESOLVE 134 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON PIOTTI	OTP-AM	S-464

LD 1989 proposed to require the State Board of Property Tax Review to consider the appeal filed by the Town of Palermo on December 8, 2005 regarding the 2006 valuation of the town as determined by Maine Revenue Services.

Committee Amendment "A" (S-464) proposed to remove language from the emergency preamble that might appear to relate to the merits of the appeal filed by the Town of Palermo and change the date by which a decision must be rendered by the State Board of Property Tax Review.

Enacted law summary

Resolve 2005, chapter 134 requires the State Board of Property Tax Review to consider the appeal filed by the Town of Palermo on December 8, 2005 regarding the 2006 valuation of the town as determined by Maine Revenue Services and requires a decision to be rendered no later than 30 days after the effective date of the Resolve.

Resolve 2005, chapter 134 was finally passed as an emergency measure effective March 13, 2006.

LD 2025 **An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the Circuit Breaker Program** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report		Amendments Adopted
	ONTP	MAJ	H-910
	OTP-AM	MIN	

LD 2025 was a recommendation of the Study Commission Regarding Liveable Wages, established in Resolve 2005, chapter 128. The bill proposed to increase the maximum refund amount for homeowners under the Maine Residents Property Tax Program, the so-called "circuit breaker program," from $2,000 to $5,000 and to increase the renters benefit from 20% to 22%.

LD 2026 **An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning Conformity with Federal Tax Laws** **DIED BETWEEN BODIES**

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

LD 2026 was a recommendation of the Study Commission Regarding Liveable Wages established in Resolve 2005, chapter 128. The bill proposed to amend Maine's tax laws to achieve conformity with federal tax laws regarding the child care credit, personal exemption and child tax credit.

LD 2027 **An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the State Earned Income Tax Credit** **DIED BETWEEN BODIES**

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

LD 2027 was a recommendation of the Study Commission Regarding Liveable Wages, established in Resolve 2005, chapter 128, that proposed to expand the Maine earned income tax credit by increasing it to 30% of the federal credit and by making it refundable.

LD 2039 **An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2006-07** **PUBLIC 624 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-952
		S-630 MARTIN

LD 2039 proposed to establish municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

Committee Amendment "A" (H-952) proposed statutory changes to apply growth limitations to spending and taxes under the municipal cost component that parallel state and local limitations and to direct the Commission to Study the Cost of Providing Certain Services in the Unorganized Territories to review the new growth limitations and make recommendations for retaining, amending or repealing those limitations to the joint standing committee of the Legislature having jurisdiction over taxation matters as part of its reporting responsibilities under Resolve 2005, chapter 125.

Senate Amendment "A" to Committee Amendment "A" (S-630) proposed to allow a governmental body to exceed or increase the county growth limitation only if a majority of the members of the county budget committee

or county advisory committee and the county commissioners agree to that action. The amendment also proposed to require the Commission To Study the Cost of Providing Certain Services in the Unorganized Territories to develop a new budget funding mechanism for the office of the fiscal administrator of the unorganized territory that promotes budget transparency and provides better fiscal accountability.

Enacted law summary

Public Law 2005, chapter 624 establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

Chapter 624 also includes statutory changes to apply growth limitations to spending and taxes under the municipal cost component that parallel state and local limitations and directs the Commission to Study the Cost of Providing Certain Services in the Unorganized Territories to review the new growth limitations and make recommendations for retaining, amending or repealing those limitations to the joint standing committee of the Legislature having jurisdiction over taxation matters as part of its reporting responsibilities under Resolve 2005, chapter 125. The commission is also directed to develop a new budget funding mechanism for the office of the fiscal administrator of the unorganized territory that promotes budget transparency and provides better fiscal accountability.

Public Law 2005, chapter 624 was enacted as an emergency measure effective May 4, 2006.

LD 2048 **An Act To Strengthen Maine's Craft Brewers** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
EDMONDS	OTP-AM	MAJ	S-588
RICHARDSON J	ONTP	MIN	

LD 2048 proposed to provide the following tax incentives to malt liquor brewers:

The bill proposed a tax credit against the excise taxes imposed on malt liquor manufactured and sold in Maine by a brewer equal to 17.5¢ per gallon of malt liquor manufactured in Maine and exported from the State. The credit would be limited to 50% of the amount of excise taxes due. The percentage of malt liquor that is eligible for the credit is 90% of the amount produced and exported in the first year and is reduced by 10% each year. If a brewer increases its production and export of malt liquor by 10% in a year, an additional credit would be allowed for the excess.

The bill proposed to provide a nonrefundable credit against income taxes paid by a Maine brewer equal to 50% of the payroll taxes withheld by that brewer for each employee employed in the State for the manufacture of malt liquor above the number of employees employed by the brewer in the State for the manufacture of malt liquor in 2005, or the first year of business of the brewer, whichever is later.

Both the excise tax credit and the income tax credit would expire on December 31, 2016.

Committee Amendment "A" (S-588) proposed to make changes to the provisions of the bill relating to the malt liquor excise tax credit to apply the credit based on the fiscal year rather than on the year of production. The

amendment also proposed to replace the income tax credit with an expansion of the employment tax increment financing program to provide an enhanced reimbursement for qualified brewers who add qualified employees. The amendment proposed that the excise tax credit and enhanced employment tax increment financing reimbursement be repealed March 1, 2010 unless the Commissioner of Economic and Community Development certifies that the number of new employees of qualified brewers for which reimbursement was made in 2009 has increased at least 10% over total 2006 employment.

This bill and its adopted amendment were placed on the Special Appropriations Table and died on adjournment of the Second Regular Session.

LD 2052 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Property Tax Exemption for Property Owners with Limited Personal Property Assessments** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted
WOODBURY	OTP-AM	MAJ	H-877
COURTNEY	ONTP	MIN	

LD 2052 proposed an amendment to the Constitution of Maine to provide a property tax exemption for personal property of a person who owns otherwise taxable personal property with a just value of no more than $20,000.

See also LDs 1739, and 2053.

LD 2053 **An Act To Simplify and Relieve Personal Property Taxes for Small Businesses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	ONTP	

LD 2053 proposed property tax exemptions for certain personal property owned by small businesses. A person with up to $20,000 of business personal property would be entitled to an exemption for that property. A person with up to $100,000 of personal property that would be eligible for the BETR program would be entitled to a property tax exemption for that property. The bill also proposed to require the State to reimburse municipalities and the unorganized territory for 100% of the property tax revenue loss resulting from the exemptions.

See also LDs 1739 and 2052.

LD 2056 **An Act To Replace Municipal Revenues Subject to Business Equipment Property Tax Exemption** **PUBLIC 623**

Sponsor(s)	Committee Report		Amendments Adopted
BOWLES	OTP-AM	MAJ	H-1078
MARTIN	ONTP	MIN	

LD 2056 proposed to establish a property tax exemption for eligible business equipment that is first subject to property tax assessment on or after April 1, 2008 in the absence of the exemption. The bill proposed to require the State to reimburse municipalities for 50% of the lost property tax revenue associated with the exemption, as is required by the Constitution of Maine.

Property first subject to property tax assessment prior to April 1, 2008 would remain taxable and eligible for the Business Equipment Tax Reimbursement, "BETR," program for the duration of the 12 years of BETR program entitlement. Property no longer eligible for the BETR program because it has received BETR reimbursement for the full 12 years would become exempt and the State would be required to reimburse municipalities for 100% of the lost property tax revenue associated with this type of property, referred to as "BETR-expired property." Property that was placed in service on or before April 1, 1995 would remain fully taxable.

The bill also proposed to provide for additional state reimbursements to municipalities in which the taxable value of exempt business equipment, other than BETR-expired property, exceeds 10% of the entire taxable value in the municipality.

The bill also proposed to protect the expectations of municipalities with respect to the sheltering and revenues related to tax increment financing revenues to be used by municipalities on their own qualifying tax increment financing projects.

Committee Amendment "A" (H-1078) proposed to remove so-called "BETR-expired" property and certain retail property from eligibility for the new property tax exemption but to leave that property eligible for reimbursement to the taxpayer under the BETR program.

The generally applicable rate of reimbursement to municipalities for revenue losses from the new exemption would be changed to 100% in the first year of the exemption and would be reduced 10% each year until it reaches 50%. Municipalities with more than 5% of their valuation in exempt property could choose alternative reimbursement for property tax losses equal to 50% plus 1/2 of the percentage that business personal property represents of the total taxable value plus the exempt business personal property value in the municipality.

Reimbursement to taxpayers would be provided for property remaining in the BETR program after 12 years at the rate of 75% in the 13th year and decreasing 5% a year until it reaches 50%.

Additional funds would be provided for the Disproportionate Tax Burden Fund (Revenue Sharing II) beginning at $2,000,000 in fiscal year 2009-10 and increasing $500,000 each year until funding reaches $4,000,000.

Reimbursements received by taxpayers under the BETR program for property first subject to assessment on or after April 1, 2008 and for property still qualifying for BETR after the first 12 years of reimbursement would be reduced

by the amount of taxes reimbursed under a tax increment financing district to avoid a taxpayer's receiving reimbursement for more than 100% of property taxes paid.

See also LDs 1102, 1400, 1557 and 1660.

Enacted law summary

Public Law 2005, chapter 623 establishes a property tax exemption for eligible business equipment that is first subject to property tax assessment on or after April 1, 2008 in the absence of the exemption. Certain property located at a retail sales facility and used for a retail sales activity remains taxable but eligible for reimbursement under the business equipment tax reimbursement (BETR) program. Property currently in the BETR program will remain eligible after 12 years; however, reimbursement for property taxes paid will decline gradually to 50%. Property that was placed in service on or before April 1, 1995 remains fully taxable.

Public Law 2005, chapter 623 requires the State to reimburse municipalities for the lost property tax revenue associated with the exemption, as required by the Constitution of Maine. Reimbursement is for 100% of lost revenue in the first year the exemption is in effect and declines 10% per year until it reaches the constitutional minimum of 50% for the 2013 tax year. Municipalities with more than 5% of their valuation in exempt property may choose alternative reimbursement. Alternative reimbursement is 50% plus 1/2 of the percentage that business personal property represents of the total taxable value plus exempt business personal property value in the municipality.

Additional funds are provided for the Disproportionate Tax Burden Fund beginning at $2,000,000 in fiscal year 2009-10 and increasing $500,000 each year until funding reaches $4,000,000.

Reimbursements received by taxpayers under the BETR program for property first subject to assessment on or after April 1, 2008 and for property still qualifying for BETR after the first 12 years of reimbursement are reduced by the amount of taxes reimbursed under a tax increment financing district to avoid a taxpayer's receiving reimbursement for more than 100% of property taxes paid.

LD 2073 **An Act To Bring Maine's Sales and Use Tax Law into Conformity with the Streamlined Sales and Use Tax Agreement** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 2073 proposed changes to Maine's sales and use tax law in order to bring it into conformity with the Streamlined Sales Tax Agreement, a product of the Streamlined Sales Tax Project, which is an effort of state governments, with input from local governments and the private sector, to simplify and modernize sales and use tax collection and administration.

LD 2075 **An Act To Create the Taxpayer Bill of Rights** **ONTP**

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

LD 2075 is a citizen-initiated bill under Article IV, Part 3, section 18 of the Maine Constitution. It proposed to restrain the growth in state and local government by imposing tax and expenditure limitations on state and local government and by requiring a procedure of voter approval of tax and fee increases.

Under LD 2075, growth in annual expenditures of the General Fund, the Highway Fund, quasi-governmental organizations, Other Special Revenue funds and local district governments would be limited according to a formula based on changes in population and inflation. Growth in budgets of school administrative units and state-level educational institutions is limited according to changes in inflation and student enrollment. For the General Fund and Highway Fund budgets, revenues exceeding the expenditure limitation must be distributed by directing 20% of that excess to a budget stabilization fund and 80% of that excess to a tax relief fund. The budget stabilization funds may be used only in years when revenues are not sufficient to fund the level of expenditure permitted by the growth limits. The tax relief funds must be used to provide tax relief. For quasi-governmental agencies and state agencies that manage Other Special Revenue funds, the managers of those funds must report excess surpluses to the Legislature with a plan for refund of those revenues.

Under LD 2075, any increase in revenue would be possible only by a 2/3 vote of each House of the Legislature or the legislative body of a local district or the governing body of a quasi-governmental agency and the approval of the voters of the jurisdiction, if applicable.

Committee Amendment "A" (H-1106) proposed to incorporate a fiscal note.

As a citizen-initiated bill, under the terms of the Maine Constitution, LD 2075 will be submitted to the voters for approval at the general election on November 7, 2006.

LD 2079 **An Act To Encourage the Preservation of Historic Structures** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GAGNON	ONTP	
MARRACHE		

LD 2079 proposed to provide an additional income tax credit for the rehabilitation of historic properties not to exceed $100,000 annually per taxpayer for expenditures that meet the requirements in current law for a tax credit for the rehabilitation of historic properties and that are expended for a certified historic structure located in a municipality that is eligible to receive a distribution from the Disproportionate Tax Burden Fund in at least one month during the calendar year that expenditures are made and that has experienced a decline in population as determined by the latest Federal Decennial Census. The bill also provides that a tax credit for the rehabilitation of historic properties is transferable.

See also LD 1775 and Public Law 2005, chapter 519, Part H, the Supplemental Budget Bill, LD 1968, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change

Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.

LD 2084 **An Act To Clarify the Taxable Status of Parts Provided under Service Contracts** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO CRAVEN	OTP-AM	S-551

LD 2084 proposed a sales tax exemption for parts provided to a nonprofit entity for the repair of equipment pursuant to a service contract.

Committee Amendment "A" (S-551) proposed to clarify that the exemption would apply to parts used in performance of a service contract for an organization or government agency if the parts would have been exempt if purchased directly by the organization or government agency.

This bill and its adopted amendment were placed on the Special Appropriations Table and died on adjournment of the Second Regular Session.

LD 2085 **An Act To Clarify the Sales Tax Exemption for Air Ambulance Services** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-589

LD 2085 proposed to exempt from sales tax sales made on or after December 1, 2004 to an air ambulance service established as a limited liability company if all of the members of the limited liability company were incorporated nonprofit organizations.

Committee Amendment "A" (S-589) proposed to apply the sales tax exemption to nonprofit ambulance services that are not incorporated and to apply the exemption retroactively to sales to an air ambulance service that is organized as a limited liability company if all of the members of the company are incorporated nonprofit organizations.

This bill and its adopted amendment were placed on the Special Appropriations Table and died on the adjournment of the Second Regular Session.

LD 2093 **An Act To Strengthen the Collection of the Tax on Tobacco Products** **PUBLIC 627**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	OTP-AM MAJ	H-1009
	ONTP MIN	H-1022 BIERMAN
		H-1042 WOODBURY

LD 2093 proposed to strengthen the ability of the State to enforce the collection of the tax on tobacco products. The bill also proposed to permit the seizure and forfeiture of contraband tobacco products within the State and to strengthen and clarify the penalties for distributing or selling tobacco products in contravention of the law.

Committee Amendment "A" (H-1009) proposed to make a technical correction to clarify that tobacco products in transit by a common carrier or a contract carrier are not subject to seizure.

House Amendment "B" (H-1022) proposed to increase the number of cigars that could be imported or transported into this State without a license from 50 to 125 cigars for personal use.

House Amendment "C" (H-1042) proposed to change additional references to 50 cigars in 2 places in the bill to conform to the change made by House Amendment "B."

Enacted law summary

Public Law 2005, chapter 627 strengthens the ability of the State to enforce the collection of the tax on tobacco products. The bill also permits the seizure and forfeiture of contraband tobacco products within the State. The bill also strengthens and clarifies the penalties for distributing or selling tobacco products in contravention of the law.

LD 2096 **Resolve, To Reduce State Valuation as a Result of the Closure of Georgia-Pacific Facilities** **RESOLVE 202 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	OTP-AM	S-590
BLANCHARD		

LD 2096 proposed to authorize the City of Old Town to request a reduction in its state valuation as a result of a reduction in value of the Georgia-Pacific Corporation facility, and to provide that the payments for general purpose aid for local schools to the city be adjusted to reflect such an adjustment in state valuation.

Committee Amendment "A" (S-590) proposed to revise the resolve to describe more accurately the process for adjustment to the City of Old Town's state valuation that is authorized by the resolve and to require that a request for adjustment be filed by October 1, 2006.

Enacted law summary

Resolve 2005, chapter 202 authorizes the City of Old Town to request a reduction in its state valuation as a result of a reduction in value of the Georgia-Pacific Corporation facility notwithstanding statutory filing deadlines, and provides that the payments for general purpose aid for local schools to the city be adjusted to reflect such an adjustment in state valuation.

Resolve 2005, chapter 202 was finally passed as an emergency measure effective April 28, 2006.

LD 128 **An Act To Create a License Plate for the Elks Organization** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER	ONTP	

LD 128 proposed to authorize the issuance of a special registration plate for the Benevolent Protective Order of Elks that would fund special programs of that fraternal and civic organization.

LD 371 **An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties and To Assist Law Enforcement Officers with Unmet Catastrophic Medical Needs** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE MARLEY	OTP-AM	S-110

LD 371 proposed to require that any balance in the Law Enforcement Agency Reimbursement Fund remaining at the end of the fiscal year be distributed among municipalities according to a population-based revenue-sharing formula. It proposed to provide that if a municipality does not qualify because it does not employ at least one law enforcement officer or contract with a county to provide patrol service, then the county in which that municipality is located receives the nonqualifying municipality's share of the fund.

Committee Amendment "A" (S-110) proposed to create the Law Enforcement Benevolent Fund to be used to meet the unmet financial needs of injured and ill law enforcement officers and their families. The amendment proposed to require that 10% of any balance in the Law Enforcement Agency Reimbursement Fund at the end of the fiscal year be transferred to the Law Enforcement Benevolent Fund. It also proposed to distribute any funds remaining in the Law Enforcement Agency Reimbursement Fund after funds are transferred to the Law Enforcement Benevolent Fund to municipalities and counties according to a population-based revenue-sharing formula as provided in the original bill.

LD 419 **An Act To Create a License Plate for the National Rifle Association** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP	

LD 419 proposed to authorize the issuance of a special registration plate for the National Rifle Association that would fund special programs that offer firearm training and safety and hunter training and safety.

LD 437 **An Act To Create an Agriculture Recognition License Plate** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TRAHAN	ONTP	
NUTTING J		

LD 437 proposed to authorize the issuance of an agriculture recognition registration plate to support programs that benefit the Maine Ag in the Classroom Association and other agricultural youth organizations approved by that association.

LD 492 **An Act To Create a Special Higher Education License Plate** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	ONTP	
ROSEN R		

LD 492 proposed to authorize the issuance of a higher education special registration plate to honor institutions of higher learning in Maine and to fund the Maine State Grant Program.

LD 501 **An Act To Amend the Operator's License and Nondriver Identification Card Requirements** **PUBLIC 469**

Sponsor(s)	Committee Report		Amendments Adopted
COLLINS	OTP-AM	MAJ	H-736
DAMON	OTP-AM	MIN	

LD 501 proposed to require an applicant for a driver's license or a nondriver identification card who is a nonimmigrant to provide the Secretary of State written proof, evidence or documentation that the applicant's presence in the United States is authorized under federal law.

LD 501 also proposed that a driver's license or nondriver identification card issued to a nonimmigrant is not valid past the expiration date of the nonimmigrant's permission to remain in the United States.

Committee Amendment "A" (H-736), the committee majority report, replaced the bill and proposed to prohibit the acceptance of expired visas granted by the United States, expired documents issued by foreign countries and foreign passports showing an elapsed departure date as identification for the purpose of issuing state nondriver identification cards and driver's licenses.

Committee Amendment "B" (H-737), the committee minority report, proposed to add an appropriations and allocations section.

Enacted law summary

Public Law 2005, chapter 469 prohibits the acceptance of expired visas granted by the United States, expired documents issued by foreign countries, and foreign passports showing an elapsed departure date as identification for the purpose of issuing state nondriver identification cards and driver's licenses.

LD 510 **An Act Concerning Dismantling of Railroad Track** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON J EDMONDS	ONTP	

LD 510 proposed to amend the law establishing procedures for dismantling railroad track so that it applies to any track, not just state-owned track.

LD 1159 **An Act To Promote Municipal-State Transportation Investment Partnerships** **PUBLIC 643**

Sponsor(s)	Committee Report	Amendments Adopted
FISHER DAMON	OTP-AM	H-873

LD 1159, a concept draft pursuant to Joint Rule 208, proposed to do the following:

1. It proposed to apply to development projects that generate more than 100 passenger car equivalents at the peak hour that are located in an area designated as a growth management area in a local growth management plan that has been found by the State to be consistent with the growth management program; the compact area of an urban compact municipality; or a downtown as defined in the Maine Revised Statutes, Title 30-A, section 5222, subsection 8.

   It proposed to require the Department of Transportation to match each dollar a municipality raises through the assessment of taxes on the real and personal property value created by the project through tax increment financing if the proceeds of that assessment are expended to make transportation improvements that are eligible for Highway Fund participation and will improve the level of service or substandard conditions. No state funds may be used to relieve the developer of financial obligations under a traffic movement permit approved by the Department of Transportation. Fifty percent of the unallocated surplus in the Highway Fund at the end of each fiscal year must be set aside in a non-lapsing account to support this provision, but such account may not exceed $10,000,000. In addition, if the above circumstances are met, the bill proposed to require the Department of Administrative and Financial Services to match each dollar raised through municipal tax increment financing with the eligible expenditure of those funds being for transportation improvements or related utility and storm water improvements. The department's contribution would be financed and limited by a defined portion of the state tax increment of net new sales and income taxes generated by the development project.

2. It proposed to provide that for such development projects, the Department of Transportation is authorized to use federal advance construction support with the up-front financing provided through private or municipal capital. The department would be authorized to apply funds required to be expended by the developer as a condition of a traffic movement permit to match federal funds and finance debt to support advance construction as long as the department uses those funds to complete a project that includes the improvements the developer is required to make under the traffic movement permit. The department would also be authorized to apply the proceeds of tax increment financing derived from the development project to match federal funds or support debt to finance the cost of advance construction.

3. It proposed to provide a process for municipalities to build roads without federal or state financial participation that could be purchased by the State or assumed for maintenance responsibilities if the road meets state design standards and criteria for classification as a major collector or arterial highway.

4. It proposed to provide a new structure for assessing traffic impact fees on a regional basis that would be expended to address deficiencies inside growth management areas, urban compacts or downtowns caused in part by through-traffic generated on a regional basis.

Committee Amendment "A" (H-873) proposed to allow municipalities to petition the Department of Transportation to finance proposed arterial and major collector road construction projects. The department would finance up to 50% of the cost of the proposed road construction from the Highway Fund. The road must meet state design standards and function as a major collector or arterial highway as defined in Department of Transportation rules. Participating municipalities shall have a department-approved transportation plan for state and state aid highways and comply with policies and procedures adopted by the department. The municipality may finance improvement projects with contributions of local funds. The amendment proposed to offer alternative financing mechanisms to the Department of Transportation subject to a municipality's voluntary decision to participate.

Enacted law summary

Public Law 2005, chapter 643 allows municipalities to petition the Department of Transportation to finance proposed arterial and major collector road construction projects. The department would finance up to 50% of the cost of the proposed road construction from the Highway Fund. The road must meet state design standards and function as a major collector or arterial highway as defined in Department of Transportation rules. Participating municipalities shall have a department-approved transportation plan for state and state aid highways and comply with policies and procedures adopted by the department. The municipality may finance improvement projects with contributions of local funds. The new law offers alternative financing mechanisms to the Department of Transportation subject to a municipality's voluntary decision to participate.

LD 1396 **An Act To Create a Specialty License Plate for Members of the Maine National Guard** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

LD 1396 proposed to authorize the issuance of a special registration plate for members of the Maine National Guard that would help fund the Maine Military Family Relief Fund. The license plates issued would be for past and present members of Maine National Guard only.

LD 1430 **An Act To Establish Special License Plates To Honor Maine Residents Serving Overseas** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PILON SULLIVAN	ONTP	

LD 1430 proposed to authorize the issuance of a special registration plate for any service member in Maine who has served on or after September 11, 2001. The proceeds of the sale of these plates would go to a special fund to assist family members of those serving overseas. It also proposed to authorize the issuance of a special registration plate for those supporting our troops, and these funds also would go to a special fund to assist family members of those serving in the war or for similar purposes requiring special funds. The bill also proposed to direct the Secretary of State to copyright the design of these plates and offer the designs to other states for a fee.

LD 1464 **An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds** **PUBLIC 577 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
SAMPSON SAVAGE	OTP-AM	H-730 H-747 MCKENNEY

LD 1464 proposed to amend the law regarding 2-wheeled and 3-wheeled vehicles and off-road vehicles.

The bill proposed to:

1. Amend the definition of “moped” and “motorized scooter” by including criteria for wheel size and electric-powered motors;

2. Repeal the definition of “motorcycle” and replaces it with a definition that includes criteria for wheels and electric-powered motors;

3. Repeal the definition of “motor-driven cycles”;

4. Establish a definition of “off-road vehicle;” off-road vehicles, because of their size, shape, design and configuration, may not be operated on a public way unless operation is authorized by statute;

5. Amend the definition of “scooter” by excluding scooters that are powered by motors;

6. Enact a provision that off-road vehicles may not be registered under the Maine Revised Statutes, Title 29-A;

7. Remove references in Title 29-A to motor-driven cycles;

8. Eliminate the requirement that businesses that sell motor-driven cycles be licensed as motor vehicle dealers;

9. Remove a reference to motorized scooter under vehicles that are regulated as bicycles or toy vehicles;

10. Establish a provision to treat off-road vehicles operated on ways the same as all-terrain vehicles operated on ways; and

11. Establish a provision to make it a traffic infraction to operate an off-road vehicle on a public way or parking area.

Committee Amendment "B" (H-730) proposed to amend the definitions of "motorcycle" and "moped" to include criteria for wheel size and electric-powered motors. This amendment also proposed to clarify that the definition of a motor vehicle does not include an all-terrain vehicle unless the all-terrain vehicle is issued a special registration permit in accordance with the Maine Revised Statutes, Title 29-A, section 501. The amendment also proposed to clarify that an all-terrain vehicle is not subject to licensing provisions under Title 29-A, chapter 11 unless the all-terrain vehicle is issued a special registration permit in accordance with Title 29-A, section 501.

The amendment also proposed to reflect changes necessitated by laws enacted in the First Special Session of the 122nd Legislature.

House Amendment "A" (H-747) proposed to require the operator of a motorized scooter have a valid license of any class. The amendment also proposed to allow municipalities to prohibit the use of motorized scooters on public ways. The amendment proposed to require motorized scooters to follow the same rules of the road as bicycles. The amendment proposed to maintain the current law that prohibits motorized scooters from being operated at a speed in excess of 20 miles per hour.

Enacted law summary

Public Law, chapter 577 amends current law regarding 2-wheeled and 3-wheeled vehicles and off-road vehicles. The bill:

1. Amends the definition of "moped" and "motorized scooter" by including criteria for wheel size and electric-powered motors;

2. Repeals the definition of "motorcycle" and replaces it with a definition that includes criteria for wheels and electric-powered motors;

3. Repeals the definition of "motor-driven cycles";

4. Establishes a definition of "off-road vehicle." Off-road vehicles, because of their size, shape, design and configuration, may not be operated on a public way unless operation is authorized by statute;

5. Amends the definition of "scooter" by excluding scooters that are powered by motors;

6. Enacts a provision that off-road vehicles may not be registered under the Maine Revised Statutes, Title 29-A;

7. Removes references in Title 29-A to motor-driven cycles;

8. Eliminates the requirement that businesses that sell motor-driven cycles be licensed as motor vehicle dealers;

9. Removes a reference to motorized scooter under vehicles that are regulated as bicycles or toy vehicles;

10. Establishes a provision to treat off-road vehicles operated on ways the same as all-terrain vehicles operated on ways;

11. Establishes a provision to make it a traffic infraction to operate an off-road vehicle on a public way or parking area;

12. Clarifies that the definition of a motor vehicle does not include an all-terrain vehicle unless the all-terrain vehicle is issued a special registration permit in accordance with the Maine Revised Statutes, Title 29-A, section 501;

13. Clarifies that an all-terrain vehicle is not subject to licensing provisions under Title 29-A, chapter 11 unless the all-terrain vehicle is issued a special registration permit in accordance with Title 29-A, section 501;

14. Requires the operator of a motorized scooter to have a valid license of any class;

15. Allows municipalities to prohibit the use of motorized scooters on public ways; and

16. Requires motorized scooters to follow the same rules of the road as bicycles.

Public Law, chapter 577 was enacted as an emergency measure effective April 13, 2006.

LD 1696 **An Act To Clarify the Assessment of Costs To Maintain a Private Way or Bridge** **PUBLIC 479**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND BRYANT M	OTP-AM	S-450

LD 1696 proposed to provide that the assessment for the repair or maintenance of a private way or bridge is applied proportionally on the owners according to their assessed valuation for property tax.

Committee Amendment "A" (S-450) proposed to provide that the assessment for the repair or maintenance of a private way or bridge is applied proportionally on the owners according to their assessed valuation for property tax. The amendment proposed to clarify that the assessed valuation for property tax is on each owner's parcel that is benefited by the private way or bridge.

Enacted law summary

Public Law 2005, chapter 479 clarifies that the assessed valuation for property tax is on each owner's parcel that is benefited by the private way or bridge. It also provides that the assessment for repair or maintenance of a private way or bridge is applied proportionally on the owners according to their assessed valuation for property tax.

LD 1702 **An Act To Increase Efficiency in Truck Hauling** **PUBLIC 478 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
CARR RAYE	OTP-AM	H-749

LD 1702 proposed to increase the length limit of trailers and semitrailers hauling sawdust, shavings or wood chips from 48 feet to 53 feet, as long as the overall length does not exceed 74 feet when combined with the truck. The wheelbase axle distance must remain the same as that of a 48-foot trailer or semitrailer.

Committee Amendment "A" (H-749) proposed to eliminate the 53-foot access system designated by the Commissioner of Transportation, allowing a single semitrailer whose total structural length exceeds 48 feet but does not exceed 53 feet to be operated in combination with a truck tractor on the highway network if safety standards and conditions are met. The amendment also proposed to clarify the Department of Transportation's rule-making authority to limit or prohibit access by semitrailers to certain highways to ensure safety.

Enacted law summary

Public Law 2005, chapter 478 eliminates the 53-foot access system designated by the Commissioner of Transportation, allowing a single semitrailer whose total structural length exceeds 48 feet but does not exceed 53 feet to be operated in combination with a truck tractor on the highway network if safety standards and conditions are met. It also clarifies the Department of Transportation's rule-making authority to limit or prohibit access by semitrailers to certain highways to ensure safety.

Public Law 2005, chapter 478 was enacted as an emergency measure effective March 8, 2006.

LD 1706 **An Act To Prohibit Parking in Access Aisles** **PUBLIC 528 EMERGENCY**

Sponsor(s)	Committee Report		Amendments Adopted
MARLEY	OTP-AM	MAJ	H-765
	OTP-AM	MIN	

LD 1706 proposed to prohibit anyone from parking in an access aisle, which is defined as a space that is clearly marked and immediately adjacent to a parking space designated and clearly marked for persons with physical disabilities.

Current law prohibits persons who do not possess disability registration plates or removable windshield placards from parking in disability parking spaces or access aisles. The law, however, does not prohibit persons with disability plates or placards from parking in access aisles.

Committee Amendment "A" (H-764), the committee majority report, proposed to add a fine of not less than $100 and not more than $500 for persons who illegally park in a disability parking space or an access aisle. This amendment also proposed to provide that municipalities and places of public accommodation that are required by law to have disability parking space access aisles shall post a sign adjacent to and visible from each access aisle.

This amendment also proposed to change the term "handicapped parking space" to "disability parking space."

Committee Amendment "B" (H-765), the committee minority report, proposed to increase the fine to not less than $200 and not more than $500 for persons who illegally park in a disability parking space or an access aisle. This amendment also proposed to provide that the registered owner of a vehicle illegally parked in an access aisle commits a traffic infraction and is also subject to a fine. The amendment proposed to provide for defenses for the registered owner of the vehicle found to be illegally parked in an access aisle. Finally, the amendment proposed to change the term "handicapped parking space" to "disability parking space."

Senate Amendment "A" to Committee Amendment "A" (S-473) proposed to add an appropriations and allocations section to Committee Amendment "A".

Enacted law summary

Public Law 2005, chapter 528 prohibits anyone, including persons who have been issued a disability registration plate or removable placard, from parking in an access aisle, which is defined as a space that is clearly marked and immediately adjacent to a parking space designated and clearly marked for persons with physical disabilities. The law also increases the fine for persons who illegally park in a disability parking space or access aisle to not less than $200 and not more than $500.

Anyone who observes a vehicle illegally parked in a disability parking space or an access aisle may report the violation to a law enforcement officer. The officer shall initiate an investigation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator. The law provides that the registered owner of a vehicle illegally parked in an access aisle commits a traffic infraction and is subject to a fine. However, the law does provide for defenses for the registered owner of the vehicle found to be illegally parked in an access aisle.

Public Law 2005, chapter 528 was enacted as an emergency measure effective April 4, 2006.

LD 1730 **An Act To Ensure Business Equity in Commercial Vehicle Registration** **PUBLIC 501**

Sponsor(s)	Committee Report		Amendments Adopted
BLANCHARD	OTP-AM	MAJ	H-782
PERRY J	OTP-AM	MIN	

LD 1730 proposed to require the registration in Maine of all construction and road maintenance vehicles being rented in Maine for operation on public ways.

Committee Amendment "A" (H-782), the committee majority report, proposed to replace the bill. Currently, all special mobile equipment used on public ways must be registered in this State. The amendment proposed to clarify that special mobile equipment that is rented from a location in Maine or outside Maine must be registered in Maine, regardless of the location of the main office or headquarters of the owner of the equipment. The amendment also proposed to make a technical correction to the section on special mobile equipment.

Committee Amendment "B" (H-783), the committee minority report, proposed to replace the bill. Currently, all special mobile equipment used on public ways must be registered in this State. The amendment proposed to

clarify that special mobile equipment that is rented from a location in Maine or outside Maine must be registered in Maine, regardless of the location of the main office or headquarters of the owner of the equipment. The amendment proposed to provide that special mobile equipment that is carried by a towing vehicle to a construction project and then used on a public way only to construct or repair that public way is exempt from registration. However, the exempt equipment must be operated only within the boundaries of a closed way. In addition, the owner of special mobile equipment that is exempt from registration must maintain motor vehicle financial responsibility. The amendment also proposed to make a technical correction to the section on special mobile equipment.

Enacted law summary

Public Law 2005, chapter 501 clarifies that special mobile equipment that is rented from a location in Maine or outside Maine must be registered in Maine, regardless of the location of the main office or headquarters of the owner of the equipment. The amendment also makes a technical correction to the section on special mobile equipment.

LD 1731 **An Act To Require That New Road Construction or Repair Include Sidewalks or Bikeways or Both** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN ROTUNDO	ONTP	

LD 1731 proposed to require bikeways and pedestrian ways be established in conjunction with the construction or reconstruction of a state road.

LD 1732 **An Act To Protect Real Estate Values Impaired by Railroad Operations** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FINCH	ONTP	

LD 1732 proposed to require a railroad company to offer to purchase any residential property located within 1,000 feet of a railroad grade crossing where horns or whistles are sounded that remains on the market for more than one year.

LD 1738 **An Act To Amend the Laws Governing Ferry Service Travel for Individuals with Catastrophic Illness** **PUBLIC 472 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE MAZUREK	OTP-AM	

LD 1738 proposed to allow residents of the island communities served by the Maine State Ferry Service free transportation services when traveling to and from regularly scheduled, medically necessary appointments with medical care providers on the mainland if these appointments pertain to a catastrophic illness.

Enacted law summary

Public Law 2005, chapter 472 allows residents of the island communities served by the Maine State Ferry Service free transportation services when traveling to and from regularly scheduled, medically necessary appointments with medical care providers on the mainland if these appointments pertain to a catastrophic illness.

Public Law 2005, chapter 472 was enacted as an emergency measure effective February 21, 2006.

LD 1750 **An Act To Amend Certain Transportation Laws** **PUBLIC 482**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON MARLEY	OTP-AM	S-458

LD 1750 proposed to make the following changes to the laws governing transportation.

1. It proposed to allow for an exception to outdoor luminaire requirements if the Commissioner of Transportation determines that the lighting is related to a Department of Transportation project of state and regional significance and is supported by municipalities directly affected by the installation.

2. It proposed to allow for attractions to be included on logo signs on the interstate highway system and allows for logo signs on certain connector highways where it is necessary to establish continuity for logo signs erected on the Maine Turnpike.

3. It proposed to require local administration of municipal ordinances adopted regarding changeable signs.

4. It proposed to add language to and removes requirements from the provisions of the auxiliary light statute to reflect current technology.

Committee Amendment "A" (S-458) proposed to clarify that exceptions to outdoor luminaire requirements are related to Department of Transportation bridge projects of state and regional significance. This amendment also proposed to allow appurtenances to motor homes, truck campers and camp trailers extending up to 6 inches from either side of the body of the unit.

Enacted law summary

Public Law 2005, chapter 482 makes the following changes to the law governing transportation.

1. It allows for an exception to outdoor luminaire requirements if the Commissioner of Transportation determines that the lighting is related to a Department of Transportation bridge project of state and regional significance and is supported by municipalities directly affected by the installation.

2. It allows for attractions to be included on logo signs on the interstate highway system and allows for logo signs on certain connector highways where it is necessary to establish continuity for logo signs erected on the Maine Turnpike.

3. It requires local administration of municipal ordinances adopted regarding changeable signs.

4. It adds language to and removes requirements from the provisions of the auxiliary light statute to reflect current technology.

5. It allows appurtenances to motor homes, truck campers and camp trailers extending up to 6 inches from either side of the body of the unit.

LD 1765 **An Act To Require Insurance Companies To Notify the Secretary of State when a Motor Vehicle Has Been Insured** **ONTP**

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

LD 1765, beginning January 1, 2007, proposed to require an insurance company that is beginning coverage on a motor vehicle in this State to provide the Secretary of State with notice of that coverage. The bill also proposed to require the Secretary of State to reconcile a notice of cancellation, termination or lapse with a notice of new coverage.

Current law requires an insurance company providing coverage for a vehicle in this State to notify the Secretary of State when that insurance coverage is cancelled or terminated or lapses. Beginning January 1, 2007, an insurance company or an insured is allowed to provide the Secretary of State with evidence of insurance via electronic means, the Internet, facsimile or U.S. mail or in person.

LD 1773 **An Act To Improve the Process for Issuing Duplicate Motor Vehicle Certificates of Title** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	ONTP	

LD 1773 proposed to eliminate the requirement that a duplicate certificate of title or certificate of salvage contain language indicating that the certificate is a duplicate.

LD 1793 **An Act To Prevent Noise and Air Pollution in the Town of Oakland** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL CANAVAN	ONTP	

LD 1793, a concept draft pursuant to Joint Rule 208, proposed to require Guilford Transportation Industries' trains that run through the Town of Oakland to stop for a change of crew only at the rail yard, where train noise and diesel fumes are anticipated and where the noise, fumes and odor pollution will not harm the public, at times when stops will not disrupt residential neighbors' sleep.

LD 1816 **An Act To Clarify the Intent of the Law That Allows Retired Firefighters To Retain Their Firefighter License Plates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	ONTP	

LD 1816 proposed to amend Public Law 2005, chapter 80, "An Act to Allow Retired Firefighters to Retain Their Firefighter License Plates," to clarify that the law applies to all retired firefighters, regardless of the date of retirement.

LD 1849 **An Act To Update the Charter of the Lewiston and Auburn Railroad Company** **P & S 30**

Sponsor(s)	Committee Report	Amendments Adopted
SAMPSON	OTP	

LD 1849 proposed to update the articles of incorporation of the Lewiston and Auburn Railroad Company.

Enacted law summary

Private and Special Law 2005, chapter 30 updates the articles of incorporation of the Lewiston and Auburn Railroad Company.

LD 1866 **An Act To Amend the Motor Vehicle Laws** **PUBLIC 573**

Sponsor(s)	Committee Report	Amendments Adopted
FISHER DIAMOND	OTP-AM	H-849

LD 1866 proposed to do the following:

1. Allow the display of a disabled veteran registration plate on a vehicle registered for up to 9,000 pounds; and

2. Eliminate the Secretary of State's discretion to accept a deposit of cash when a bond is filed.

Committee Amendment "A" (H-849) proposed to add the following provisions to the bill:

1. The amendment proposed to make the for-hire insurance requirements consistent with the provisions of Public Law 2005, chapter 399, which limited transit districts' tort liability to $400,000.

2. The amendment proposed to allow the Secretary of State to operate customer service locations within approved budgetary limits, rather than limiting the branches that can exist to a specific number. The amendment proposed to enable the Secretary of State to authorize municipal agents to conduct transactions and charge fees on an ongoing basis when that transaction and the associated fee are not already provided in existing law.

3. The amendment proposed to direct the Secretary of State to review the existing statutory vision screening requirements to identify potential changes in law or other opportunities under existing law to increase the number of motorists eligible for online renewal services and to report with recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than December 31, 2006.

4. The amendment also proposed to direct the Secretary of State to develop a plan for leveling out the currently uneven 6-year driver's license cycle to eliminate the variations in business activity and corresponding Highway Fund revenue.

House Amendment "A" (H-891) proposed to require an applicant for a driver's license who is a nonimmigrant to provide the Secretary of State written proof, evidence or documentation that the applicant's presence in the United States is authorized under federal law.

Enacted law summary

Public Law 2005, chapter 573 does the following:

1. It allows the display of a disabled veteran registration plate on a vehicle registered for up to 9,000 pounds;

2. It eliminates the Secretary of State's discretion to accept a deposit of cash when a bond is filed;

3. It makes the for-hire insurance requirements consistent with the provisions of Public Law 2005, chapter 399, which limited transit districts' tort liability to $400,000;

4. It allows the Secretary of State to operate customer service locations within approved budgetary limits, rather than limiting the branches that can exist to a specific number. The law enables the Secretary of State to authorize municipal agents to conduct transactions and charge fees on an ongoing basis when that transaction and the associated fee are not already provided in existing law;

5. It directs the Secretary of State to review the existing statutory vision screening requirements to identify potential changes in law or other opportunities under existing law to increase the number of motorists eligible for online renewal services and to report with recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than December 31, 2006; and

6. It directs the Secretary of State to develop a plan for leveling out the currently uneven 6-year driver's license cycle to eliminate the variations in business activity and corresponding Highway Fund revenue.

LD 1869 **An Act To Allow Businesses To Place a Sign at the Topsham Mall Exit on Interstate 295** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CROSBY	ONTP	

LD 1869 proposed to allow businesses to pay the cost to put a sign at the Topsham exits on Interstate 295.

LD 1950 **An Act To Authorize State Participation in the Unified Carrier Registration System** **PUBLIC 649**

Sponsor(s)	Committee Report		Amendments Adopted
ASH	OTP-AM	MAJ	H-770
	ONTP	MIN	

LD 1950 proposed to require a company with a main office or headquarters in the State to request from an independent contractor verification of a valid driver's license and a safe driving record before the company hires the independent contractor to transport the company's merchandise on the State's highways.

Committee Amendment "A" (H-770) proposed to replace the bill. The amendment proposed to authorize the State's participation in the Unified Carrier Registration System, which is a federal program to consolidate motor carrier information systems. The amendment also proposed to add an appropriations section.

Enacted law summary

Public Law 2005, chapter 649 authorizes the State's participation in the Unified Carrier Registration System, which is a federal program to consolidate motor carrier information systems.

LD 1966 **An Act To Make Allocations from the Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2007** **P & S 37**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 1966 proposed to make allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2007 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

Enacted law summary

Private and Special Law 2005, chapter 37 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2007 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

LD 1974 **An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007** **PUBLIC 664 EMERGENCY**

Sponsor(s)	Committee Report		Amendments Adopted
MARLEY	OTP-AM	MAJ	H-1037
	OTP-AM	MIN	H-1053 DUPREY
			H-1054 MILLETT

LD 1974 proposed to do the following:

Part A proposed to make supplemental allocations for fiscal years 2005-06 and 2006-07.

Part B proposed to add the Maine State Law Enforcement Association to the bargaining units authorized to access funding in the Highway Fund Salary Plan account to implement economic terms of collective bargaining agreements for fiscal years ending June 30, 2006 and June 30, 2007.

Part C proposed to limit the state support to the Marine Highway account to 50% of the budgeted revenues that support the operating cost of the Maine State Ferry Service.

Part D proposed to transfer amounts exceeding $1,000,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute to the Department of Transportation for capital needs in the Highway and Bridge Improvement and Maintenance and Operations programs.

Part E proposed to transfer identified Highway Fund Personal Services savings to any other program or line category within the Highway Fund to fund capital program needs.

Part F proposed to authorize available Personal Services balances in the Highway Fund accounts to be transferred between programs and departments within the fund by financial order to be used for collective bargaining agreement costs.

Part G proposed to lapse $2,222 of the unencumbered balance in fiscal year 2004-05 in the Bond Retirement - Highway Fund account in the Department of Transportation to the unallocated surplus in the Highway Fund in fiscal year 2005-06.

Committee Amendment "A" (H-1036), the committee majority report, proposed to do the following:

Part A proposed to make supplemental allocations for fiscal years 2005-06 and 2006-07.

Part B proposed to make allocations for approved reclassifications and range changes.

Part C proposed to limit the state support to the Marine Highway account to 50% of the budgeted revenues that support the operating cost of the Maine State Ferry Service.

Part D proposed to transfer amounts exceeding $1,000,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer

authorized by statute to the Department of Transportation for capital needs in the Highway and Bridge Improvement and Maintenance and Operations programs.

Part E proposed to transfer identified Highway Fund Personal Services savings to any other program or line category within the Highway Fund to fund capital program needs.

Part F proposed to authorize available Personal Services balances in the Highway Fund accounts to be transferred between programs and departments within the fund by financial order to be used for collective bargaining agreement costs.

Part G proposed to lapse $2,222 of the unencumbered balance in fiscal year 2004-05 in the Bond Retirement - Highway Fund account in the Department of Transportation to the unallocated surplus in the Highway Fund in fiscal year 2005-06.

Part H proposed to authorize the State Budget Officer to calculate the amount of savings from a statewide deallocation that applies against each Highway Fund account for all departments and agencies from additional savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2006-07.

Part I proposed to lapse $10,944,305 of unencumbered balance in the Personal Services line category from fiscal year 2004-05 in the Maintenance and Operations account in the Department of Transportation to the unallocated surplus of the Highway Fund in fiscal year 2005-06.

Part J proposed to amend Public Law 2005, chapter 405, Part I, section 1 by authorizing the Administration - Motor Vehicle Program, Bureau of Motor Vehicles within the Department of the Secretary of State to carry forward any unexpended balance that is less than $1,100,000 from fiscal year 2005-06 to fiscal year 2006-07 for the continued development of the bureau's computer system and to improve the efficiency and effectiveness of the bureau's processes and programs.

Part K proposed to add the Maine State Law Enforcement Association to the bargaining units authorized to access funding in the Highway Fund Salary Plan account to implement economic terms of collective bargaining agreements for fiscal years ending June 30, 2006 and June 30, 2007.

Part L proposed to expand to a new location in Van Buren the existing pilot project allowing commercial vehicles at Canadian weight limits to travel to specified locations in the State.

Part M proposed to allows the State or its political subdivisions to assign to another person the right to receive refunds for special fuel taxes.

Part N proposed to provide the joint standing committee of the Legislature having jurisdiction over transportation matters information to support the Department of Transportation Service Center request in the department's All Other line in the biennial Highway Fund Current Services Budget and to also provide an annual accounting of the actual charges made.

Part O proposed to authorize a 6-month grace period for newly employed ambulance operators to obtain required training for certification purposes.

Part P proposed to authorize the Maine Municipal Bond Bank to issue $60,000,000 in federally authorized grant anticipation revenue vehicle debt financing, or GARVEE, revenue bonds to be repaid with federal transportation

funds, the proceeds of which will be used by the Department of Transportation to improve existing highways and bridges statewide.

The revenue bonds authorized in Part P may be issued only if approved by the voters by referendum in November 2006.

Part Q proposed to eliminate one Department of Transportation Crew FTE position and realigns 14 other electrical, carpenter and driver trainer Department of Transportation Crew FTE positions between Fleet Services, an Internal Service fund and Maintenance and Operations, a Highway Fund program, in order to allow proper implementation of a new Fleet Management computer system scheduled for July 1, 2006. Given the maintenance and operational nature of the work of these employees, their cost is more properly associated with Maintenance and Operations. The current budget location of these positions distorted the financial management and reporting of Fleet Services.

Committee Amendment "B" (H-1037), the committee minority report, proposed to do the following:

Part A proposed to make supplemental allocations for fiscal years 2005-06 and 2006-07.

Part B proposed to make allocations for approved reclassifications and range changes.

Part C proposed to limit the state support to the Marine Highway account to 50% of the budgeted revenues that support the operating cost of the Maine State Ferry Service.

Part D proposed to transfer amounts exceeding $1,000,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute to the Department of Transportation for capital needs in the Highway and Bridge Improvement and Maintenance and Operations programs.

Part E proposed to transfer identified Highway Fund Personal Services savings to any other program or line category within the Highway Fund to fund capital program needs.

Part F proposed to authorize available Personal Services balances in the Highway Fund accounts to be transferred between programs and departments within the fund by financial order to be used for collective bargaining agreement costs.

Part G proposed to lapse $2,222 of the unencumbered balance in fiscal year 2004-05 in the Bond Retirement - Highway Fund account in the Department of Transportation to the unallocated surplus in the Highway Fund in fiscal year 2005-06.

Part H proposed to authorize the State Budget Officer to calculate the amount of savings from a statewide deallocation that applies against each Highway Fund account for all departments and agencies from additional savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2006-07.

Part I proposed to lapse $10,944,305 of unencumbered balance in the Personal Services line category from fiscal year 2004-05 in the Maintenance and Operations account in the Department of Transportation to the unallocated surplus of the Highway Fund in fiscal year 2005-06.

Part J proposed to amend Public Law 2005, chapter 405, Part I, section 1 by authorizing the Administration - Motor Vehicle Program, Bureau of Motor Vehicles within the Department of the Secretary of State to carry

forward any unexpended balance that is less than $1,100,000 from fiscal year 2005-06 to fiscal year 2006-07 for the continued development of the bureau's computer system and to improve the efficiency and effectiveness of the bureau's processes and programs.

Part K proposed to add the Maine State Law Enforcement Association to the bargaining units authorized to access funding in the Highway Fund Salary Plan account to implement economic terms of collective bargaining agreements for fiscal years ending June 30, 2006 and June 30, 2007.

Part L proposed to expand to a new location in Van Buren the existing pilot project allowing commercial vehicles at Canadian weight limits to travel to specified locations in the State.

Part M proposed to allow the State or its political subdivisions to assign to another person the right to receive refunds for special fuel taxes.

Part N proposed to provide the joint standing committee of the Legislature having jurisdiction over transportation matters information to support the Department of Transportation Service Center request in the department's All Other line in the biennial Highway Fund Current Services Budget and to also provide an annual accounting of the actual charges made.

Part O proposed to authorize a 6-month grace period for newly employed ambulance operators to obtain required training for certification purposes.

Part P proposed to eliminate one Department of Transportation Crew FTE position and realigns 14 other electrical, carpenter and driver trainer Department of Transportation Crew FTE positions between Fleet Services, an Internal Service fund and Maintenance and Operations, a Highway Fund program, in order to allow proper implementation of a new Fleet Management computer system scheduled for July 1, 2006. Given the maintenance and operational nature of the work of these employees, their cost is more properly associated with Maintenance and Operations. The current budget location of these positions distorted the financial management and reporting of Fleet Services.

House Amendment "A" to Committee Amendment "A" (H-1047) proposed to remove the requirement that the GARVEE revenue bonds be sent out to referendum.

House Amendment "A" to Committee Amendment "B" (H-1053) proposed to authorize the Secretary of State, within existing budgeted resources, to issue specially designed motorcycle plates for members of the Legislature.

House Amendment "B" to Committee Amendment "A" (H-1048) proposed to enact into the Maine Revised Statutes a provision that requires that 60% of state funding for the Department of Public Safety, Bureau of State Police originate from the Highway Fund and 40% originate from the General Fund beginning in fiscal year 2007-08.

House Amendment "B" to Committee Amendment "B" (H-1054) proposed to enact into the Maine Revised Statutes a provision that requires that 60% of state funding for the Department of Public Safety, Bureau of State Police originate from the Highway Fund and 40% originate from the General Fund beginning in fiscal year 2007-08.

House Amendment "C" to Committee Amendment "B" (H-1086) proposed to incorporate the substance of Senate Amendment "B" to Committee Amendment "B," and, in addition, it clarifies that the GARVEE bonds that it authorizes are in addition to any GARVEE bonds previously authorized and issued.

House Amendment "D" to Committee Amendment "B" (H-1104) proposed to direct the State Controller to transfer up to $60,000,000 from the available unappropriated surplus of the General Fund at the close of fiscal year 2005-06 to the Department of Transportation, Highway and Bridge Improvement Highway Fund account. The amendment states the intent of the transfer is to provide additional resources on a one-time basis to address the Highway Fund shortfall. The amendment further proposed to provide that the amount transferred may be allotted by financial order upon the recommendation of the State Budget Officer and is to be considered an adjustment to allocations in fiscal year 2006-07.

Senate Amendment "A" to Committee Amendment "A" (S-621) proposed to allow the Secretary of State to issue sportsman registration plates using either numbers or letters or any combination of the 2.

Senate Amendment "A" to Committee Amendment "B" (S-635) proposed to make changes to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 to preserve approximately $4,500,000 of federal highway funds. Specifically, this amendment proposed to make state law consistent with applicable federal regulations granting waivers from the commercial driver licensing requirements for persons operating fire apparatus, military vehicles and farm trucks. The amendment further proposed to authorize the Department of Public Safety, Bureau of State Police to adopt by reference the federal regulations establishing minimum fines for out-of-service violations.

Senate Amendment "B" to Committee Amendment "A" (S-634) proposed to make changes to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 to preserve approximately $4,500,000 of federal highway funds. Specifically, this amendment proposed to make state law consistent with applicable federal regulations granting waivers from the commercial driver licensing requirements for persons operating fire apparatus, military vehicles and farm trucks. The amendment further proposed to authorize the Department of Public Safety, Bureau of State Police to adopt by reference the federal regulations establishing minimum fines for out-of-service violations.

Senate Amendment "B" to Committee Amendment "B" (S-641) proposed to suspend for one year the imposition of the indexed motor fuel tax rate and leaves in place until July 1, 2007 the rate that took effect July 1, 2005.

This amendment proposed to authorize the Maine Municipal Bond Bank to issue $60,000,000 in federally authorized grant anticipation revenue vehicle debt financing, or GARVEE, revenue bonds to be repaid with federal transportation funds, the proceeds of which will be used by the Department of Transportation to improve existing highways and bridges statewide.

Senate Amendment "C" to Committee Amendment "A" (S-645) proposed to suspend for one year the imposition of the indexed motor fuel tax rate and leaves in place until July 1, 2007 the rate that took effect July 1, 2005.

Senate Amendment "C" to Committee Amendment "B" (S-646) proposed to strike the emergency preamble and emergency clause and makes necessary adjustments to reflect an assumed effective date of August 1, 2006.

Senate Amendment "D" to Committee Amendment "A" (S-648) proposed to repeal the annual inflation indexing of the excise tax on motor fuel effective July 1, 2007. The amendment also proposed to require the State Tax Assessor to submit legislation to amend the relevant law to reflect the rate of tax as changed by inflation indexing as of July 1, 2007.

Senate Amendment "D" to Committee Amendment "B" (S-650) proposed to deallocate $7,829,074 from the Highway and Bridge Improvement program within the Department of Transportation from the Highway Fund in fiscal year 2006-07.

Senate Amendment "E" to Committee Amendment "A" (S-649) proposed to deallocate $7,829,074 from the Highway and Bridge Improvement program within the Department of Transportation from the Highway Fund in fiscal year 2006-07.

Senate Amendment "E" to Committee Amendment "B" (S-652) proposed to repeal the annual inflation indexing of the excise tax on motor fuel effective July 1, 2007. The amendment also proposed to require the State Tax Assessor to submit legislation to amend the relevant law to reflect the rate of tax as changed by inflation indexing as of July 1, 2007.

Senate Amendment "F" to Committee Amendment "B" (S-657) proposed to allow the Secretary of State to issue sportsman registration plates using either numbers or letters or any combination of the 2.

Senate Amendment "G" to Committee Amendment "B" (S-658) proposed to direct the State Controller to transfer up to $30,000,000 from the available unappropriated surplus of the General Fund at the close of fiscal year 2005-06 to the Department of Transportation, Highway and Bridge Improvement Highway Fund account. The amendment proposed to state the intent of the transfer is to provide additional resources on a one-time basis to address the Highway Fund shortfall. The amendment further proposed to provide that the amount transferred may be allotted by financial order upon the recommendation of the State Budget Officer and is to be considered an adjustment to allocations in fiscal year 2006-07.

This amendment also proposed to authorize, subject to approval of the voters in a statewide referendum, the Maine Municipal Bond Bank to issue $30,000,000 in federally authorized grant anticipation revenue vehicle debt financing, or GARVEE, revenue bonds to be repaid with federal transportation funds, the proceeds of which will be used by the Department of Transportation to improve existing highways and bridges statewide.

Senate Amendment "H" to Committee Amendment "B" (S-659) proposed to direct the State Controller to transfer up to $15,000,000 from the available unappropriated surplus of the General Fund at the close of fiscal year 2005-06 to the Department of Transportation, Highway and Bridge Improvement Highway Fund account. The amendment proposed to state the intent of the transfer is to provide additional resources on a one-time basis to address the Highway Fund shortfall. The amendment further proposed to provide that the amount transferred may be allotted by financial order upon the recommendation of the State Budget Officer and is to be considered an adjustment to allocations in fiscal year 2006-07.

This amendment also proposed to authorize, subject to approval of the voters in a statewide referendum, the Maine Municipal Bond Bank to issue $45,000,000 in federally authorized grant anticipation revenue vehicle debt financing, or GARVEE, revenue bonds to be repaid with federal transportation funds, the proceeds of which will be used by the Department of Transportation to improve existing highways and bridges statewide.

Senate Amendment "I" to Committee Amendment "B" (S-661) proposed to direct the State Controller to transfer up to $60,000,000 from the available unappropriated surplus of the General Fund at the close of fiscal year 2005-06 to the Department of Transportation, Highway and Bridge Improvement Highway Fund account. The amendment proposed to state the intent of the transfer is to provide additional resources on a one-time basis to address the Highway Fund shortfall. The amendment further proposed to provide that the amount transferred may be allotted by financial order upon the recommendation of the State Budget Officer and is to be considered an adjustment to allocations in fiscal year 2006-07.

Enacted law summary

Public Law 2005, chapter 664 does the following:

Part A makes supplemental allocations for fiscal years 2005-06 and 2006-07.

Part B makes allocations for approved reclassifications and range changes.

Part C limits the state support to the Marine Highway account to 50% of the budgeted revenues that support the operating cost of the Maine State Ferry Service.

Part D transfers amounts exceeding $1,000,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute to the Department of Transportation for capital needs in the Highway and Bridge Improvement and Maintenance and Operations programs.

Part E transfers identified Highway Fund Personal Services savings to any other program or line category within the Highway Fund to fund capital program needs.

Part F authorizes available Personal Services balances in the Highway Fund accounts to be transferred between programs and departments within the fund by financial order to be used for collective bargaining agreement costs.

Part G lapses $2,222 of the unencumbered balance in fiscal year 2004-05 in the Bond Retirement - Highway Fund account in the Department of Transportation to the unallocated surplus in the Highway Fund in fiscal year 2005-06.

Part H authorizes the State Budget Officer to calculate the amount of savings from a statewide deallocation that applies against each Highway Fund account for all departments and agencies from additional savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2006-07.

Part I lapses $10,944,305 of unencumbered balance in the Personal Services line category from fiscal year 2004-05 in the Maintenance and Operations account in the Department of Transportation to the unallocated surplus of the Highway Fund in fiscal year 2005-06.

Part J amends Public Law 2005, chapter 405, Part I, section 1 by authorizing the Administration - Motor Vehicle Program, Bureau of Motor Vehicles within the Department of the Secretary of State to carry forward any unexpended balance that is less than $1,100,000 from fiscal year 2005-06 to fiscal year 2006-07 for the continued development of the bureau's computer system and to improve the efficiency and effectiveness of the bureau's processes and programs.

Part K adds the Maine State Law Enforcement Association to the bargaining units authorized to access funding in the Highway Fund Salary Plan account to implement economic terms of collective bargaining agreements for fiscal years ending June 30, 2006 and June 30, 2007.

Part L expands to a new location in Van Buren the existing pilot project allowing commercial vehicles at Canadian weight limits to travel to specified locations in the State.

Part M allows the State or its political subdivisions to assign to another person the right to receive refunds for special fuel taxes.

Part N provides the joint standing committee of the Legislature having jurisdiction over transportation matters information to support the Department of Transportation Service Center request in the department's All Other line in the biennial Highway Fund Current Services Budget and to also provide an annual accounting of the actual charges made.

Part O authorizes a 6-month grace period for newly employed ambulance operators to obtain required training for certification purposes.

Part P eliminates one Department of Transportation Crew FTE position and realigns 14 other electrical, carpenter and driver trainer Department of Transportation Crew FTE positions between Fleet Services, an Internal Service fund and Maintenance and Operations, a Highway Fund program, in order to allow proper implementation of a new Fleet Management computer system scheduled for July 1, 2006. Given the maintenance and operational nature of the work of these employees, their cost is more properly associated with Maintenance and Operations. The current budget location of these positions distorted the financial management and reporting of Fleet Services.

The bill also authorizes the Secretary of State, within existing budgeted resources, to issue specially designed motorcycle plates for members of the Legislature.

The bill also enacts into the Maine Revised Statutes a provision that requires that 60% of state funding for the Department of Public Safety, Bureau of State Police originate from the Highway Fund and 40% originate from the General Fund beginning in fiscal year 2007-08.

Public Law 2005, chapter 664 was enacted as an emergency measure effective May 30, 2006.

LD 1986 **Resolve, To Name the New Bridge over the Penobscot River** **RESOLVE 151**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R LINDELL	OTP-AM	S-503

LD 1986 proposed to name the new bridge that crosses the Penobscot River between the towns of Prospect and Verona Island the “Downeast Gateway Bridge” and the westerly tower at the entrance to the bridge in Prospect the “Penobscot Observatory Tower” and proposed to direct the Department of Transportation to erect signs that indicate this name.

Committee Amendment “A” (S-503) proposed to name the new bridge that crosses the Penobscot River between the towns of Prospect and Verona Island and the westerly tower at the entrance to the bridge in Prospect the “Penobscot Narrows Bridge and Observatory Tower” and proposed to direct the Department of Transportation to erect signs that indicate this name.

Enacted law summary

Resolve 2005, chapter 151 names the new bridge that crosses the Penobscot River between the towns of Prospect and Verona Island and the westerly tower at the entrance to the bridge in Prospect the “Penobscot Narrows Bridge and Observatory Tower” and directs the Department of Transportation to erect signs that indicate this name.

LD 1998 **An Act To Grandfather Owners of Property with Respect To Highway Cuts** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	ONTP	

LD 1998 proposed to exempt land that was owned by a person prior to July 30, 2004 from the law that requires the Department of Transportation to limit the number, spacing, design, location and construction of driveways, entrances or approaches.

LD 2040 **Resolve, Directing the Department of Transportation To Review Its Highway Traffic Noise Policy** **RESOLVE 216**

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

LD 2040 proposed to direct the Department of Transportation to amend the policy to expand eligibility to affected properties that do not immediately abut the highway project but that, as a result of the highway project, approach or exceed the relevant noise abatement criteria. Under the existing statewide noise policy adopted by the Department of Transportation, a property must abut a highway project in order to be eligible for a noise abatement program.

In addition, the existing statewide noise policy imposes an abatement cost limit of $20,000 per affected property. This resolve proposed to require that the cost limit be adjusted by a factor that represents the annual inflation adjustment for each year since the statewide noise policy was adopted and directs that the amount thereafter be adjusted annually for inflation.

Committee Amendment "A" (H-857) proposed to direct the Department of Transportation to undertake a comprehensive review of the department's current highway traffic noise policy. Under the existing statewide highway traffic noise policy adopted by the Department of Transportation, a property must abut a highway project in order to be eligible for a noise abatement program.

The amendment also proposed to provide that if the department adopts a revised highway traffic noise policy, the scheduled improvement of Interstate 295 in South Portland and Portland is subject to the revised policy.

Enacted law summary

Resolve 2005, chapter 216 directs the Department of Transportation to undertake a comprehensive review of the department's current highway traffic noise policy. Under the existing statewide highway traffic noise policy adopted by the Department of Transportation, a property must abut a highway project in order to be eligible for a noise abatement program.

The law also provides that, if the department adopts a revised highway traffic noise policy, the scheduled improvement of Interstate 295 in South Portland and Portland is subject to the revised policy.

LD 2051 **Resolve, To Name the New Bridge in Augusta Spanning the Kennebec River "Cushnoc Crossing"** **RESOLVE 163**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2051 proposed to name the new bridge in Augusta that connects Interstate 95 to Route 3 and crosses the Kennebec River north of the Father Curran Bridge "Cushnoc Crossing" and proposed to direct the Department of Transportation to erect signs that indicate the name of the new bridge.

Enacted law summary

Resolve 2005, chapter 163 names the new bridge in Augusta that connects Interstate 95 to Route 3 and crosses the Kennebec River north of the Father Curran Bridge "Cushnoc Crossing" and directs the Department of Transportation to erect signs that indicate the name of the new bridge.

LD 2058 **Resolve, Authorizing a Pilot Project To Allow Timber Harvesting Equipment To Be Moved during Nighttime** **RESOLVE 189**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	OTP-AM	H-942

LD 2058 proposed to exempt vehicles used in Aroostook County or Penobscot County for the trucking of equipment used in timber harvesting operations during nighttime from restrictions placed on roads concerning weight, speed, operation and equipment.

Committee Amendment "A" (H-942) proposed to replace the bill with a resolve and proposed to direct the Secretary of State, in consultation with the Commissioner of Transportation and the Chief of the State Police, to conduct a pilot project that allows permits for the transport of timber harvesting equipment by another vehicle between midnight and sunrise during the months of March and April over a way or bridge maintained by the Department of Transportation if certain conditions are met. The amendment also proposed to require the Secretary of State to submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than the first business day in February 2009. The amendment proposed to give the joint standing committee of the Legislature having jurisdiction over transportation matters authority to report out legislation during the First Regular Session of the 124th Legislature. The amendment also proposed to repeal the pilot project 90 days after the adjournment of the First Regular Session of the 124th Legislature.

Enacted law summary

Resolve 2005, chapter 189 directs the Secretary of State, in consultation with the Commissioner of Transportation and the Chief of the State Police, to conduct a pilot project that allows permits for the transport of timber harvesting equipment by another vehicle between midnight and sunrise during the months of March and April over a way or bridge maintained by the Department of Transportation if certain conditions are met. The resolve also requires the Secretary of State to submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than the first business day in February 2009. The resolve gives the joint standing committee of the Legislature having jurisdiction over transportation matters authority to report out legislation during the First Regular Session of the 124th Legislature. It repeals the pilot project 90 days after the adjournment of the First Regular Session of the 124th Legislature.

LD 2119 **An Act To Comply with the Federal Commercial Motor Vehicle Safety Act of 1986** **PUBLIC 679**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE MCKENNEY		

LD 2119 proposed to make changes to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 to preserve receipt of federal highway funds. Specifically, the bill proposed to make state law consistent with applicable federal regulations granting waivers from the commercial driver licensing requirements for persons operating fire apparatus, military vehicles and farm trucks. The bill further proposed to authorize the Department of Public Safety, Bureau of State Police to adopt by reference the federal regulations establishing minimum fines for out-of-service violations.

Enacted law summary

Public Law 2005, chapter 679 makes changes to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 to preserve receipt of federal highway funds. Specifically, the bill makes state law consistent with applicable federal regulations granting waivers from the commercial driver licensing requirements for persons operating fire apparatus, military vehicles and farm trucks. The bill further authorizes the Department of Public Safety, Bureau of State Police to adopt by reference the federal regulations establishing minimum fines for out-of-service violations.

LD 205 **An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission** **ONTP**

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

LD 205, which was carried forward from the First Regular Session, proposed to subject basic tier service rates and services of cable systems to regulation by the Public Utilities Commission. The bill also proposed to establish hearing and complaint procedures for rate increases or product or service changes by a cable system operator and to direct the Public Utilities Commission, on petition of 25 or more customers, to petition the Federal Communications Commission to address any increases or changes if the Public Utilities Commission finds them to be unreasonable.

Committee Amendment "A" (H-727), which was the minority report of the committee, proposed to incorporate an appropriations and allocations section.

LD 207 **An Act To Require Electric Utilities To Permit Customers To Pay Electric Utility Bills in Their Communities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TWOMEY	ONTP	
BRYANT B		

LD 207, which was carried forward from the First Regular Session, proposed to direct the Public Utilities Commission to ensure that residential customers have the option of paying their electric bills at local, easily accessible and convenient locations such as shopping centers.

LD 407 **An Act To Place the Emergency Services Communication Bureau within the Department of Public Safety** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	
PARADIS		

LD 407, which was carried forward from the First Regular Session, proposed to move the Emergency Services Communication Bureau from within the Public Utilities Commission to within the Department of Public Safety.

LD 635 **An Act Relating to Community Sanitary Districts** **PUBLIC 556**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN	OTP-AM	H-908

LD 635 proposed to amend the Maine Sanitary District Enabling Act to authorize the creation of decentralized community sanitary districts.

Committee Amendment "A" (H-908) proposed to replace the bill. This amendment proposed to authorize the creation of community sanitary districts to manage one or more subsurface wastewater collection, treatment and disposal systems to accommodate residential development. These districts would be established in the same manner as sanitary districts, except that the Board of Environmental Protection would be required to make certain findings before approving the creation of a community sanitary district. A community sanitary district would have many of the powers and duties of a sanitary district, with certain modifications to achieve the limited purposes of a community sanitary district.

This amendment also proposed to provide that if a municipality has constructed a sewer system composed of one or more subsurface wastewater collection, treatment and disposal systems, it must, after the establishment of a district to serve the area where that sewer system is located, sell to the district all assets and rights identified by the municipality as related to that sewer system in consideration of the assumption by the district of any outstanding debts and liabilities related to that sewer system. The municipality and the district would be authorized to arrange for the transfer of any other assets or liabilities that the municipality and the district determine necessary or appropriate to allow the district efficiently and effectively to carry out its purposes under this chapter. The amendment proposed specifically to authorize a municipality to construct such a system in anticipation of the creation of a district, to which the municipality would then transfer the system. This would allow a system to be established prior to any occupancy of a cluster or other compact development and then, when a suitable number of residences have become occupied, allow a vote among the residents to establish a district to run the system.

Enacted law summary

Public Law 2005, chapter 556 amends the Maine Sanitary District Enabling Act to authorize the creation of community sanitary districts to manage one or more subsurface wastewater collection, treatment and disposal systems to accommodate residential development. These districts are established in the same manner as sanitary districts, except that the Board of Environmental Protection must make certain findings before approving the creation of a community sanitary district. A community sanitary district has many of the powers and duties of a sanitary district, with certain modifications to achieve the limited purposes of a community sanitary district.

Public Law 2005, chapter 556 provides that if a municipality has constructed a sewer system composed of one or more subsurface wastewater collection, treatment and disposal systems, it must, after the establishment of a district to serve the area where that sewer system is located, sell to the district all assets identified by the municipality as related to that sewer system in consideration of the assumption by the district of any outstanding liabilities identified by the municipality as related to that sewer system. The municipality and the district are authorized to arrange for the transfer of any other assets or liabilities that the municipality and the district determine necessary or appropriate to allow the district efficiently and effectively to carry out its purposes under this chapter. A municipality may construct such a system in anticipation of the creation of a district, to which the municipality will then transfer the system; this allows a system to be established prior to any occupancy of a cluster or other compact development and then, when a suitable number of residences have become occupied, allows a district to be established to run the system.

LD 637 **Resolve, To Address the Telecommunications Needs of Federally Qualified Health Centers** **RESOLVE 141**

Sponsor(s)	Committee Report		Amendments Adopted
BLISS	ONTP	MAJ	H-740
BARTLETT	OTP-AM	MIN	

LD 637, which was carried forward from the First Regular Session, proposed to add "qualified health centers" to the entities eligible to receive funding from the telecommunications education access fund (MTEAF). The MTEAF funds would be available to fund the telecommunications services needed to support electronic health records and telemedicine in medically underserved areas.

The committee, by letter dated June 1, 2005, requested that the Public Utilities Commission examine the issues raised by the bill. In a report dated December 19, 2005, the commission supplied to the committee its findings and recommendations on the matter.

Committee Amendment "A" (H-740), which was the minority report of the committee, proposed to replace the bill with a resolve. The amendment proposed to direct the Public Utilities Commission to allocate $75,000 from the state universal service fund to hire a consultant to conduct a needs assessment and to assist federally qualified health centers in applying for funds from the federal Universal Service Fund to meet their telecommunications services needs. The amendment proposed to require the Public Utilities Commission to report, no later than March 1, 2007, to the joint standing committee of the Legislature having jurisdiction over telecommunications matters on the results of the needs assessment and applications for federal funds. The amendment proposed to authorize the committee to report out a bill on this subject to the First Regular Session of the 123rd Legislature after review of the report.

The chairs of the committee sent a letter to the Public Utilities Commission in anticipation of the passage of the bill as amended by the minority report; the letter indicated the chairs' expectation that the commission would work with federally qualified health centers (FQHCs) to find an appropriate means by which FQHCs that receive funds from the federal Universal Service Fund would reimburse the state universal service fund.

Enacted law summary

Resolve 2005, chapter 141 directs the Public Utilities Commission to allocate $75,000 from the state universal service fund to hire a consultant to conduct a needs assessment and to assist federally qualified health centers in applying for funds from the federal Universal Service Fund to meet their telecommunications services needs. The amendment requires the Public Utilities Commission to report, no later than March 1, 2007, to the joint standing committee of the Legislature having jurisdiction over telecommunications matters on the results of the needs assessment and applications for federal funds. The amendment authorizes the committee to report out a bill on this subject to the First Regular Session of the 123rd Legislature.

LD 1065 **An Act To Promote Economic Development and Sustainable Energy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRENNAN BLISS	ONTP	

LD 1065, which was carried forward from the First Regular Session, proposed to amend the eligible resources portfolio requirement as follows: by modifying the list of resources which qualify under the current portfolio requirement and defining the requirement as the "Tier 1" requirement; by adding a "Tier 2" requirement for which a subset of Tier-1-eligible resources would qualify; and by establishing an alternative compliance mechanism. The bill proposed to permit Tier 2 portfolio requirements to be met using renewable credits.

The Joint Standing Committee on Utilities and Energy, by letter dated June 3, 2005, requested that a stakeholder group be formed to examine mechanisms to achieve the goals of this bill. The Renewable Resources Stakeholder Group was formed, met during the interim and issued a report to the committee in January 2006. After receiving the report, the committee voted Ought-Not-To-Pass on LD 1065 and planned to develop a committee bill relating to renewable resources. The committee developed proposals for a committee bill and held a hearing on these proposals but in the end decided not to report out a committee bill. The committee addressed issues related to renewable resources in the context of the Governor's energy bill, LD 2041.

LD 1347 **Resolve, Directing the Public Utilities Commission To Amend Its Rules Governing Net Energy Billing** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINKHAM	ONTP	

LD 1347, which was carried forward from the First Regular Session, proposed to require the Public Utilities Commission to amend its rules governing net energy billing to provide that a renewable facility must be located in the service area of a utility and to eliminate the requirement that the renewable facility be located on or in the vicinity of the customer's premises. This bill also proposed to require the Public Utilities Commission to amend its rules to require a utility to provide net energy billing to a customer based on all accounts in that customer's name.

LD 1377 **An Act Regarding Municipally Owned Street Lighting** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODCOCK	ONTP	

LD 1377, which was carried forward from the First Regular Session, proposed to:

1. Allow a municipality to place municipally owned streetlights on utility-owned poles;

2. Allow a municipality to purchase utility-owned streetlights; and

3. Set limits on actions a transmission and distribution utility may take in connection with a municipal acquisition of lighting equipment.

The committee, by letter dated December 13, 2005, notified the Public Utilities Commission that the committee's vote of Ought-Not-To-Pass was made with the understanding the commission would continue discussions with the Maine Municipal Association and Central Maine Power Company to examine the issues raised by the bill.

LD 1379 **An Act To Amend the Maine Wind Energy Act** **PUBLIC 646**

Sponsor(s)	Committee Report		Amendments Adopted
STRIMLING	OTP-AM	MAJ	H-1108 BLISS
FLETCHER	OTP-AM	MIN	S-365 BARTLETT

LD 1379 was carried over from the First Regular Session on the Special Appropriations Table by S.P. 640. At that time, both the House and Senate had passed the bill as amended by Senate Amendment "A" (S-365). There were many amendments to this bill proposed during the First Regular Session; only the committee amendments and Senate Amendment "A" (S-365) are included here; for a summary of other proposed amendments offered during the First Regular Session, reference may be made to the LD 1379 bill summary for First Regular Session. When LD 1379 came off the Special Appropriations Table at the end of the Second Regular Session, it was further amended by House Amendment "A" to Senate Amendment "A" (H-1108); Senate Amendment "A" to Senate Amendment "A" was also proposed but was not adopted; both of these amendments from the Second Regular Session are included in this summary.

LD 1379 proposed to establish various policies and incentives to promote the construction of wind generation facilities as well as wind energy equipment manufacturing facilities. It also proposed a legislative finding regarding transmission upgrades connecting northern and eastern Maine and southern Maine. Specifically, the bill proposed to:

1. Authorize the transfer of up to $2 million/year for up to 10 years from the Public Utilities Commission's conservation program fund to the Finance Authority of Maine (FAME) to provide capitalization for FAME financing of wind energy projects. It proposed to direct FAME and the Public Utilities Commission to determine the most cost effective ways to use FAME authority to assist in financing wind development;

2. Allow a business to be designated to receive Pine Tree Development Zone benefits if it would support the construction by that business of a wind-powered generator;

3. Allow a competitive electricity provider to meet the resource portfolio requirements of Title 35-A, section 3210 through renewable credits, if a reliable credit-trading system exists;

4. Create legislative findings that it is in the public interest to encourage the construction of 300 megawatts of wind generation by 2010 and that it is in the public interest to encourage the development of wind energy research and generation equipment manufacturing facilities;

5. Create a legislative finding that enhancement of transmission from northern and eastern Maine to southern Maine is essential to wind development and to the efficient connection of northern and eastern Maine with the rest of the U.S.;

6. Establish as the policy of the State that political subdivisions, agencies and public officials "take every reasonable action to encourage and expedite" permitting and financing of wind projects and siting, permitting, financing and construction of wind energy research and manufacturing facilities; and

7. Direct the Board of Environmental Protection to adopt by January 15, 2006 major substantive rules to streamline the process for reviewing and permitting wind-power generation projects up to 100 megawatts, deal on a general basis with wind permitting issues in order to "narrow the regulatory focus," and determine, in consultation with LURC, "preferred" wind project siting areas (areas 50,000 acres or more in size).

Committee Amendment "A" (S-283) (not adopted) was the majority report of the Joint Standing Committee on Utilities and Energy; it proposed to replace the bill. The amendment proposed to establish as the policy of the State that its political subdivisions, agencies and public officials take every reasonable action to encourage: the attraction of appropriately sited wind-energy-related development consistent with high environmental standards; the permitting and financing of wind energy projects; and the siting, permitting, financing and construction of wind energy research and manufacturing facilities where appropriate.

This amendment also proposed to direct the Energy Resources Council to study and report on the type of electricity generation referred to as "community wind." The Joint Standing Committee on Utilities and Energy would be authorized to report out legislation regarding community wind to the Second Regular Session of the 122nd Legislature.

Committee Amendment "B" (S-284) (not adopted) was the minority report of the Joint Standing Committee on Utilities and Energy; it proposed to replace the bill. The amendment proposed to:

1. Authorize the granting of Pine Tree Development Zone benefits to an entity if granting such benefits would support construction in the State by that entity of a community wind power generator with a capacity of no more than 10 megawatts;

2. Direct the Public Utilities Commission to adopt rules allowing the use of renewable energy credits to satisfy the resource portfolio requirements of Title 35-A, section 3210;

3. Require the Public Utilities Commission, in consultation with the Department of Environmental Protection and the Finance Authority of Maine, to develop recommendations on ways of promoting community wind power generator projects of up to 10 megawatts;

4. Establish a legislative finding that it is in the public interest to encourage the construction in the State by 2010 of up to 300 megawatts of wind energy capacity, including but not limited to community wind power generator capacity;

5. Establish as the policy of the State that its political subdivisions, agencies and public officials take every reasonable action to encourage the attraction of appropriately sited wind-energy-related development consistent with high environmental standards; the permitting and financing of wind energy projects; and the siting, permitting, financing and construction of wind energy research and manufacturing facilities;

6. Require the Board of Environmental Protection to adopt by January 15, 2006 rules that deal on a general basis with issues that arise in the permitting of wind energy facilities of any size;

7. Direct the Public Utilities Commission to determine the most effective ways for the commission to assist in the financing of wind energy projects; and

8. Direct the Department of Environmental Protection and the Maine Land Use Regulation Commission to provide a report to the Joint Standing Committee on Utilities and Energy on the agencies' siting guidelines and authorize the committee to report out legislation on wind energy to the Second Regular Session of the 122nd Legislature.

Senate Amendment "A" (S-365) proposed to replace the bill. The amendment proposed to incorporate the provisions of Committee Amendment "B" with other proposed House and Senate amendments and make further changes to the bill. Specifically, it proposed the following:

1. To exempt from the provisions of Title 30-A, section 5223(3) (relating to municipal establishment of development districts) tax increment financing districts consisting solely of community wind power generators certified by the Commissioner of Economic and Community Development;

2. To direct the Public Utilities Commission to allow the use of renewable energy credits (RECs) to satisfy resource portfolio requirements if the commission determined a reliable system of RECs exists. It proposed to require the commission to adopt rules on this matter;

3. To establish legislative findings that it is in the public interest to encourage the construction of community wind power generators. It also proposed to establish a finding that it is in the public interest to encourage wind energy research and the development of wind generation equipment manufacturing facilities in the state;

4. To establish as the policy of the State that its political subdivisions, agencies and public officials take every reasonable action to encourage the attraction of appropriately sited wind-energy-related development consistent with state and federal environmental standards; the permitting and financing of wind energy projects; and the siting, permitting, financing and construction of wind energy research and manufacturing facilities;

5. To create a sales and use tax exemption for sales to construction contractors of personal property made a permanent part of real property owed by a community wind power generator. The tax exemption would be available between October 1, 2005 and December 31, 2010;

6. To create a sales and use tax exemption for sales to a community wind power generator of personal property for use in the generation of electricity by the community wind power generator. The tax exemption would be available between October 1, 2005 and December 31, 2010;

7. To provide an income tax credit to community wind power generators certified by the Commissioner of Economic and Community Development. The amount of the credit would be 100% of the income tax that would otherwise be due from the entity. The credit would be available for 10 years following commencement of operation of the wind power generator. To qualify a generator would be required to be certified before January 1, 2010;

8. To require the Board of Environmental Protection to adopt by March 1, 2006 rules that deal on a general basis with issues that arise in the permitting of wind energy facilities. The guidelines would not affect the municipal permitting process;

9. To direct the Department of Environmental Protection and the Maine Land Use Regulation Commission to provide a report to the Joint Standing Committee on Utilities and Energy by March 1, 2006 on the agencies' wind energy project siting guidelines, including procedures when projects are located within the jurisdiction of both agencies. It proposed to authorize the committee to report out legislation on this matter to the 2nd Regular Session of the 122nd Legislature;

10. To direct the Public Utilities Commission to determine the most effective ways for the commission to assist in the financing of wind energy projects;

11. To direct the Public Utilities Commission to examine issues related to impediments to community wind power; and

12. To direct the Public Utilities Commission, in consultation with other agencies, to develop creative ways to promote and finance the development of community wind power.

House Amendment "A" to Senate Amendment "A" (H-1108) proposed the following changes to Senate Amendment "A":

1. To add a provision providing reimbursement of sales taxes with respect to personal property that is made a permanent part of real property owned by a qualified community wind power generator and that is used by the generator;

2. To give the Public Utilities Commission, not the Commissioner of Economic Community Development, authority to certify entities as qualified community wind power generators for purposes of qualifying for the tax benefits provided under the amended bill. It proposed to repeal the authority to make such certifications on December 31, 2007;

3. To exclude a community wind power generator from certification and tax benefits if the entity had commenced the site permit application process for the project prior to the effective date of the Act;

4. To delay from October 1, 2005 to October 1, 2006 the sales tax benefits provided to qualified community wind power generators and delay from December 31, 2010 to December 31, 2011 the elimination of the sales tax exemption;

5. To repeal the community wind power generator income tax credit on December 31, 2007; and

6. To remove those provisions of Senate Amendment "A" that would require: rulemaking regarding improved permitting guidance; environmental siting guidelines for wind energy projects; Public Utilities Commission assistance in financing wind energy projects; rulemaking regarding allowing credit trading; examination by the Public Utilities Commission of community wind; and a study of incentives to facilitate the development of community wind power generator projects.

Senate Amendment "A" to Senate Amendment "A" (S-696) (not adopted) proposed to make the same changes to Senate Amendment "A" as proposed by House Amendment "A" to Senate Amendment "A" (H-1108) except that it did not propose to give the Public Utilities Commission the authority to certify entities as community wind power generators for purposes to qualifying for the tax benefits.

Enacted law summary

Public Law 2005, chapter 646 does the following:

1. Exempts from the provisions of Title 30-A, section 5223(3) (relating to municipal establishment of development districts) tax increment financing districts consisting solely of community wind power generators certified by the Public Utilities Commission under Title 36, section 5211-AA (a provision repealed on December 31, 2007);

2. Directs the Public Utilities Commission to allow the use of renewable energy credits (RECs) to satisfy the resource portfolio requirements if the commission determines a reliable system of RECs exists;

3. Establishes legislative findings that it is in the public interest to encourage the construction of community wind power generators. It also establishes a finding that it is in the public interest to encourage wind energy research and the development of wind generation equipment manufacturing facilities in the state;

4. Establishes as the policy of the State that its political subdivisions, agencies and public officials take every reasonable action to encourage the attraction of appropriately sited wind-energy-related development consistent with state and federal environmental standards; the permitting and financing of wind energy projects; and the siting, permitting, financing and construction of wind energy research and manufacturing facilities;

5. Creates a sales and use tax exemption for sales of equipment for use in the generation of electricity by a community wind power generator certified by the Public Utilities Commission under Title 36, section 5211-AA (a provision repealed on December 31, 2007). The tax exemption is available for up to five years from the date of certification by the Public Utilities Commission or until December 31, 2011, whichever comes first;

6. Provides sales and use tax reimbursement for equipment incorporated into property owned by a community wind power generator certified by the Public Utilities Commission under Title 36, section 5211-AA (a provision repealed on December 31, 2007) if the equipment is used by the generator more than 50% of the time during the first 2 years the property is owned by the generator. The reimbursement is available for up to five years from the date of certification by the Public Utilities Commission or until December 31, 2011, whichever comes first;

7. Provides an income tax credit to community wind power generators certified by the Public Utilities Commission under Title 36, section 5211-AA in the amount of 100% of the income tax that would otherwise be due. This provision provides that the credit is available for 10 years following commencement of operation of the generator, however the entire provision is repealed December 31, 2007; and

8. Directs the Public Utilities Commission to certify community wind power generators for purposes of the above-mentioned tax benefits. The commission is directed to certify generators only if construction of the facility would not likely occur absent the tax benefits. The provision does not permit the Public Utilities Commission to certify any community wind power generator if the site permit application process for the project had commenced prior to the effective date of the Act. This provision (Title 36, section 5211-AA) is repealed December 31, 2007.

LD 1440 **An Act To Encourage the Implementation of High-speed Internet Access in Rural and Isolated Areas** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE DAMON	ONTP	

LD 1440, which was carried forward from the First Regular Session, was a concept draft pursuant to Joint Rule 208 designed to encourage high-speed Internet access in areas of the State currently not served or underserved because of technical and market barriers. The bill proposed to:

1. Create the Maine Internet Access Authority in the Public Utilities Commission to encourage collaboration between Internet service providers, traditional communications providers, state and local governmental entities and economic and community development groups. The members, powers, duties and goals of the authority would have been set by the Joint Standing Committee on Utilities and Energy;

2. Require towns to better accommodate wireless Internet access from Internet service providers by providing access to water towers or other similarly accessible towers and public buildings for no cost or a greatly reduced fee;

3. Create a State matching fund for implementation of new creative Internet access technologies or for laying messenger wire in communities on current pole structures for Internet access to encourage Internet access in rural communities and competition among Internet service providers in larger communities; and

4. Require all Internet, Voice-over-Internet Protocol and broadband service providers to include all fees in the advertised prices of their products.

The committee addressed issues relating to high-speed Internet access in underserved areas of the State in LD 2080.

LD 1675 **An Act To Make a Standard Alternative Form of Regulation Available to Rural Telephone Companies** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

LD 1675, which was carried forward from the First Regular Session, proposed to create an exception for rural telephone companies from the law governing the establishment of alternative forms of regulation (AFOR). It proposed to require the Public Utilities Commission to adopt any AFOR proposed by a rural telephone company if it contained certain elements.

The committee, by letter dated January 23, 2006, requested that the Public Utilities Commission form a working group to evaluate options for streamlining the AFOR process for rural telephone companies. The letter requested that the commission report its recommendations on this matter to the committee by January 1, 2007.

LD 1708 **An Act To Allow the Buckfield Village Corporation To Be Dissolved and Combined with the Town of Buckfield** **P & S 40 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
HANLEY B	OTP	

LD 1708 proposed to authorize the Buckfield Village Corporation to be dissolved and combined with the Town of Buckfield.

Enacted law summary

Private and Special Law 2005, chapter 40 authorizes the Buckfield Village Corporation to be dissolved and combined with the Town of Buckfield.

Private and Special Law 2005, chapter 40 was enacted as an emergency measure and took effect on March 22, 2006 but only for the purposes of permitting its submission to the voters of the Town of Buckfield.

LD 1736 **An Act To Amend the Charter of the Boothbay Harbor Sewer District** **P & S 34 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BISHOP	OTP-AM	H-745

LD 1736 proposed to extend the territory of the Boothbay Harbor Sewer District to include all of the territory of the Town of Boothbay. The bill also proposed to increase the debt limit of the Boothbay Harbor Sewer District from $5,500,000 to $8,500,000.

Committee Amendment "A" (H-745) proposed to add a mandate preamble to the bill.

Enacted law summary

Private and Special Law 2005, chapter 34 extends the territory of the Boothbay Harbor Sewer District to include all of the territory of the Town of Boothbay. The bill also increases the debt limit of the Boothbay Harbor Sewer District from $5,500,000 to $8,500,000. This law was enacted with a mandate preamble exempting the state from reimbursing the district for any costs it incurs as a result of the law.

Private and Special Law 2005, chapter 34 was enacted as an emergency measure effective March 2, 2006.

LD 1740 **An Act To Establish the Athens Standard Water District** **P & S 32**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	OTP-AM	S-444

LD 1740 proposed to establish the Athens Standard Water District.

Committee Amendment "A" (S-444) proposed to change the eligibility requirements for trustees of the Athens Standard Water District to require that a trustee be a taxpayer of the Town of Athens and a ratepayer of the district, rather than a resident of the district and a resident of a household that receives service from the district. The amendment also proposed to clarify that the management and allocation of a contribution of funds by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 1364, subsection 5 and the income from those funds would not be not subject to investigation or review by the Public Utilities Commission, except upon request by the Department of Environmental Protection.

Enacted law summary

Private and Special Law 2005, chapter 32 establishes the Athens Standard Water District, subject to approval by referendum vote of the voters within the territory of the district.

LD 1744 **An Act To Create the Washburn Water and Sewer District** **P & S 41**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-476

LD 1744 proposed to establish the Washburn Water and Sewer District.

Committee Amendment "A" (S-476) proposed to make the following changes to the bill:

1. Clarify that the bill creates a water and sewer district, rather than a standard water district;

2. Clarify and explicitly provide the necessary powers and authority with respect to sewer-related functions;

3. Change the provisions in the bill regarding the initial board of trustees to specify that the first trustees are appointed by the municipal officers of the Town of Washburn, set their terms and provide that subsequent trustees are elected to 3-year terms;

4. Add language to address the transfer of sewer-related infrastructure from the Washburn Water and Sewer Department to the Washburn Water and Sewer District;

5. Add language to address the transfer to the district of the debts, liabilities, contracts, licenses and permits of the department; and

6. Clarify that the approval by the Public Utilities Commission is required only for the transfer of the water utility portion of the department to the district.

Enacted law summary

Private and Special Law 2005, chapter 41 establishes the Washburn Water and Sewer District and provides for the transfer of sewer-related infrastructure from the Washburn Water and Sewer Department to the Washburn Water and Sewer District. This law takes effect only if approved by the voters within the territory of the district.

LD 1829 **An Act To Allow for Access to Digital Phone Service for Customers in Rural Areas** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON DIAMOND	ONTP	

LD 1829, a concept draft pursuant to Joint Rule 208, proposed to provide consumers in rural areas of the State access to digital telephone service provided by Internet service providers.

LD 1833 **An Act To Change the Charter of the St. Francis Water District** **P & S 33**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	OTP-AM	H-746

LD 1833 proposed to amend the charter of the St. Francis Water District to allow town selectmen to serve on the water district board.

Committee Amendment "A" (H-746) proposed to replace the bill. The amendment proposed to change the charter of the St. Francis Water District to allow one member of the water district board of trustees to be a municipal officer of the Town of St. Francis. That member would be required to abstain from voting as a municipal officer pursuant to Title 35-A, section 6410, subsection 7 on the compensation of the district trustees.

Enacted law summary

Private and Special Law 2005, chapter 33 amends the charter of the St. Francis Water District to allow one member of the board of trustees to be a municipal officer of the Town of St. Francis. This trustee is required to abstain as a municipal officer from voting pursuant to Title 35-A, section 6410, subsection 7, on the compensation of trustees.

LD 1858 **An Act To Improve Cell Phone Service in the State** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	ONTP	

LD 1858 proposed to require a provider of mobile telecommunications services to allow new subscribers to use analog phones until there is adequate digital cellular telephone coverage throughout the State. This bill also proposed to direct the Office of the Public Advocate to evaluate the adequacy of digital service and to report annually to the utilities and energy committee. This bill also proposed to require the committee to review the annual report and make a determination as to whether digital cellular service is adequate throughout the State and to authorize the committee to report out legislation to amend or repeal the analog service requirement.

The committee, by letters dated April 10, 2006, requested that the Governor, the Public Utilities Commission, the Attorney General and the Office of the Public Advocate monitor developments with respect to and take any appropriate actions to protect citizens of the State as a result of the scheduled February 18, 2008 sunset of the Federal Communications Commission's analog service requirements for cellular phone service.

LD 1897 **Resolve, To Direct the Public Utilities Commission To Examine Continued Participation by Transmission and Distribution Utilities in This State in the New England Regional Transmission Organization** **RESOLVE 187**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM	OTP-AM	H-959

LD 1897 proposed to provide that, if the Public Utilities Commission finds that the interests of Maine electricity consumers cannot otherwise be adequately protected, the commission may, as permitted by law, require transmission and distribution utilities within its jurisdiction to withdraw from participation in the system of any independent system operator.

Committee Amendment "A" (H-959) proposed to replace the bill with a resolve. The resolve proposed to direct the Public Utilities Commission to undertake an inquiry to determine the legal options for and costs and benefits of directing or otherwise causing transmission and distribution utilities in this State to withdraw from the New England regional transmission organization. The commission would be directed to issue an interim report on the status of its inquiry and any preliminary findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The joint standing committee would be authorized to request additional interim reports from the commission as the committee determines appropriate. The commission would be directed to issue a final report of its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 1, 2008. The amendment also proposed to add an appropriations and allocations section to the bill.

Enacted law summary

Resolve 2005, chapter 187 directs the Public Utilities Commission to undertake an inquiry to determine the legal options for and costs and benefits of directing or otherwise causing transmission and distribution utilities in this State to withdraw from the New England regional transmission organization. The commission is directed to issue an interim report on the status of its inquiry and any preliminary findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The joint standing committee is authorized to request additional interim reports from the commission as the committee determines appropriate. The commission is directed to issue a final report of its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 1, 2008.

LD 1913 **An Act To Designate the Department of Health and Human Services as the Sole Entity Entitled To Use the 2-1-1 Telephone Number** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY EDMONDS	ONTP	

LD 1913 proposed to require the Public Utilities Commission to designate the Department of Health and Human Services as the sole entity entitled to use the 2-1-1 telephone number for the purpose of providing access to information and referral services offered by or through the department.

LD 1931 **An Act To Encourage Energy Independence for Maine** **PUBLIC 569 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP-AM	S-523

LD 1931 proposed the following:

1. To require the Commissioner of Education to ensure that facility managers for school administrative districts complete the building operators certification program established and conducted under the authority of the Public Utilities Commission. It proposed to establish certification goals of 50% of facility managers by January 1, 2010 and 100% of facility managers by January 1, 2015. The commission would be required annually to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the progress towards the goals and the energy savings realized in school administrative districts as a result of the facility managers' completing the program;

2. To amend current law that prohibits a municipality from adopting a building energy code other than the model building energy code developed by the Public Utilities Commission pursuant to the Maine Revised Statutes, Title 35-A, section 121. A municipality would be permitted to opt out of adoption of the model building energy code by notifying the commission of the municipality's decision by January 1, 2008. If a municipality failed to opt out, it would be required to adopt the model building energy code;

3. To expand the funding for the conservation programs established by the Public Utilities Commission, known as "Efficiency Maine," by increasing the assessment on transmission and distribution utilities over a 3-year period to a maximum of 0.3¢ per kilowatt-hour beginning January 1, 2009;

4. To require the Public Utilities Commission to develop a new compensation method for transmission and distribution utilities that is not tied to the amount of electricity consumed. The commission would be required to submit its method to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2007;

5. To require the Public Utilities Commission to seek a waiver from the federal Department of Energy for energy standards for residential furnaces and boilers. The commission would be required to develop new standards for furnaces and boilers based on standards developed in other New England states; and

6. To require the Governor's Office of Energy Independence and Security in the Executive Department, State Planning Office to monitor efforts in other states to increase the availability of fuel-saving tires used by manufacturers in mileage tests conducted by the federal Environmental Protection Agency. The office would be required to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2007.

Committee Amendment "A" (S-523) proposed the following:

1. To require the Public Utilities Commission to encourage school facility managers to receive energy efficiency training under the commission's Efficiency Maine program. It proposed to authorize the commission to establish incentive mechanisms in order to encourage participation in this program. It also proposed to define "school facility managers" to mean persons employed by school administrative units and responsible for the design or operation of school facilities or the heating, ventilation or air conditioning systems or equipment used in such facilities. It proposed to require the commission to report annually on its progress in meeting these goals and, to the extent possible, on energy savings achieved as a result of such training;

2. To amend the Efficiency Maine program to require the commission to consider conservation programs that reduce peak demand. It also proposed to direct the commission to develop a plan for using revenues from any increase in the Efficiency Maine assessment on transmission and distribution utilities. It proposed to direct the commission to consider using funds resulting from any increased assessments to increase the per-business incentive cap imposed on large businesses. The commission would be required to submit its plan, together with any recommendations for increases in the assessment consistent with that plan and any suggested legislation to implement its recommendations, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The committee would be authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature;

3. To remove those portions of the bill relating to municipal adoption of the model energy building code, Public Utilities Commission development of a new compensation method for transmission and distribution utilities, commission development of standards for boilers and furnaces and Office of Energy Independence and Security examination of issues related to fuel-saving tires; and

4. To add a provision requiring the Office of Energy Independence and Security to compile a report on home heating issues.

Enacted law summary

Public Law 2005, chapter 569 does the following:

1. It requires the Public Utilities Commission to encourage school facility managers to receive energy efficiency training under the commission's so-called "Efficiency Maine" program. It authorizes the commission to establish incentive mechanisms in order to encourage participation in this program. It requires the commission to report annually on its progress in meeting these goals and, to the extent possible, on energy savings achieved as a result of such training;

2. It amends the Efficiency Maine program to require the commission to consider conservation programs that reduce peak demand. It also directs the commission to develop a plan for using revenues from any increase in the Efficiency Maine assessment on transmission and distribution utilities. It directs the commission to consider using funds resulting from any increased assessment to increase the per-business incentive cap imposed on large businesses. The commission is required to submit its plan, together with any recommendations for increases in the assessment consistent with that plan and any suggested legislation to implement its recommendations, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The joint standing committee is authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature; and

3. It requires the Governor's Office of Energy Independence and Security in the Executive Department to compile a report on home heating issues.

Public Law 2005, chapter 569 was enacted as an emergency measure effective April 12, 2006.

LD 1969 **Resolve, To Evaluate the Public Safety Answering Points for the State of Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 1969 proposed to establish the Task Force to Evaluate Public Safety Answering Points to review and evaluate whether the goal of between 16 and 24 public safety answering points, which is established by statute, is the best plan for the State in its overall E-9-1-1 plan.

LD 1970 **An Act To Amend the Charter of the Lisbon Water Department** **P & S 43 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BERUBE NUTTING J	OTP-AM	H-779

LD 1970 proposed to amend the charter of the Lisbon Water Department to clarify the terms of the members of the Board of Water Commissioners.

Committee Amendment "A" (H-779) proposed to make a date change in the bill. Under the bill, the Board of Selectmen of the Town of Lisbon would fill vacancies in the Board of Water Commissioners of the Lisbon Water Department until June 30, 2007, and after that time the Town Council of the Town of Lisbon would fill such vacancies. The amendment proposed to change that date to June 30, 2006.

Enacted law summary

Private and Special Law, chapter 43 amends the charter of the Lisbon Water Department. It clarifies the terms of the members of the Board of Water Commissioners.

Private and Special Law, chapter 43 was enacted as an emergency measure effective March 24, 2006.

LD 2018 **An Act To Allow Consolidation of the Winterport Sewerage District and the Winterport Water District To Create Incentives For Consumers To Pay Water Bills** **P & S 50 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
KAELIN WESTON	OTP-AM	H-958

LD 2018 proposed to provide for the acquisition of the Winterport Water District by the Winterport Sewerage District.

Committee Amendment "A" (H-958) proposed to replace the bill but to achieve the main purposes of the bill. It proposed to provide for the acquisition by the Winterport Water District of the assets, liabilities and duties of the Winterport Sewerage District. It also proposed to repeal most of the current charter of the Winterport Water District and to grant the district the powers and duties of a standard water district and of a sanitary district. It also proposed to update certain remaining provisions of the Winterport Water District charter.

The amendment proposed to authorize the town council of the Town of Winterport, at the request of the Winterport Water District's board of trustees (who are appointed by the town council), to appoint alternate trustees to serve in the absence of one or more trustees. The alternates would be barred from serving as officers of the district, but would be permitted, to the extent authorized by the board of trustees, to attend meetings and otherwise act on behalf of an absent trustee.

The amendment also proposed to authorize the Winterport Water District to disconnect water service for nonpayment of sewer service. This provision would be repealed 90 days after the adjournment of the Second Regular Session of the 123rd Legislature. The Public Utilities Commission would be directed to monitor and report to the joint standing committee of the Legislature having jurisdiction over utilities matters on the district's use of this authority and the committee would be authorized to report out a bill on this matter to the Second Regular Session of the 123rd Legislature.

Enacted law summary

Private and Special Law 2005, chapter 50 provides for the acquisition by the Winterport Water District of the assets, liabilities and duties of the Winterport Sewerage District, repeals most of the current charter of the Winterport Water District and grants that district the powers and duties of a standard water district and of a sanitary district. It also updates certain remaining provisions of the Winterport Water District charter.

It authorizes the town council of the Town of Winterport, at the request of the Winterport Water District's board of trustees, who are appointed by the town council, to appoint alternate trustees to serve in the absence of one or more trustees. The alternates are barred from serving as officers of the district, but may, as authorized by the board of trustees, attend meetings and otherwise act on behalf of an absent trustee.

It also authorizes the Winterport Water District to disconnect water service for nonpayment of sewer service. This provision is repealed 90 days after the adjournment of the Second Regular Session of the 123rd Legislature. The Public Utilities Commission is directed to monitor and report to the joint standing committee of the Legislature having jurisdiction over utilities matters on the district's use of this authority and the committee is authorized to report out a bill on this matter to the Second Regular Session of the 123rd Legislature.

Private and Special Law 2005, chapter 50 was enacted as an emergency measure and took effect on April 13, 2006 but only for the purpose of permitting its submission to the voters of the Town of Winterport.

LD 2019 **An Act To Amend the Charter of the Kennebunk Light and Power District** **P & S 46 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BABBIDGE SULLIVAN	OTP-AM	H-835

LD 2019 proposed to raise the debt limit of the Kennebunk Light and Power District from $2,000,000 to $6,000,000, subject to local referendum. The bill also proposed to allow the district to increase its debt limit further by using the local referendum procedure provided by statute to water districts.

Committee Amendment "A" (H-835) proposed to clarify the referendum procedure that the Kennebunk Light and Power District may use to increase its debt limit.

Enacted law summary

Private and Special Law 2005, chapter 46 raises the debt limit of the Kennebunk Light and Power District from $2,000,000 to $6,000,000, subject to approval in a local referendum. It also allows the district to increase its debt limit in the future through a referendum procedure modeled on the procedure available to water districts under Title 35-A, section 6410.

Private and Special Law 2005, chapter 46 was enacted as an emergency measure and took effect on April 3, 2006 but the provision of the bill raising the debt limit of the district does not take effect unless approved by the voters within the district.

LD 2038 **An Act To Protect the Privacy of Cellular Telephone Customers** **PUBLIC 582 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM	OTP-AM	H-892
BARTLETT		H-956 BLISS

LD 2038 proposed to prohibit a person from selling or disclosing or offering to sell or disclose records of telephone numbers called or telephone numbers from which calls were received and other information relating to the wireless telephone service account of a resident of Maine.

Committee Amendment "A" (H-892) proposed to replace the bill but to preserve the main substance of the bill.

This amendment proposed the following changes:

1. To reallocate the provisions of the bill from the Title 35-A to Title 10, since the provisions do not relate to matters within the jurisdiction of the Public Utilities Commission;

2. To separate the civil and criminal violations for judicial tracking and citing purposes;

3. To clarify the definition of "wireless telephone service";

4. To add limiting language to cited definitions in federal law to ensure that changes in those federal law definitions do not affect the meaning or intent of these provisions;

5. To make the prohibitions in the bill applicable to the sale or disclosure of customer proprietary network information relating to the wireless telephone service account of any wireless service customer or user in this State;

6. To correct a reference to federal law; and

7. To add an emergency preamble and emergency clause to the bill.

House Amendment "A" to Committee Amendment "A" (H-956) proposed to add "other customer proprietary information" to the information that may not be sold or disclosed without permission. "Other customer proprietary information" would be defined as any information loaded, installed or otherwise placed on a wireless telephone or transmitted from a wireless telephone by a wireless telephone customer.

Enacted law summary

Public Law 2005, chapter 582 prohibits a person without permission or lawful authorization from selling or disclosing customer proprietary network information relating to the wireless telephone service account of any wireless telephone customer or user in this State. It also prohibits a person without permission or lawful authorization from selling or disclosing any information loaded, installed or otherwise placed on a wireless

telephone or transmitted from a wireless telephone by a wireless telephone customer. A person who violates any of these provisions is subject to civil penalties; a person who knowingly violates these provisions, commits a Class D crime.

Public Law 2005, chapter 582 was enacted as an emergency measure effective April 13, 2006.

LD 2041 **An Act To Enhance Maine's Energy Independence and Security** **PUBLIC 677**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	OTP-AM	H-1024
BARTLETT		S-628 GAGNON

LD 2041 proposed the following:

1. To reduce the sales and use tax on motor fuels that contain at least 2% biodiesel by volume from 27.9¢ to 20¢ per gallon. Pursuant to the State Constitution, fuel tax revenues go to the Highway Fund; the bill proposed to reimburse from the General Fund the lost revenues to the Highway Fund;

2. To allow the Public Utilities Commission to incorporate cost-effective energy conservation and energy efficiency resources into the standard offer service product for electricity customers;

3. To set a policy of increasing the amount of energy generated in this State from "cost-competitive" new renewable generation resources by one percent per year beginning in 2007 to achieve 10% by 2017. The bill also proposed to permit the commission to direct transmission and distribution utilities to enter into long-term contracts (3- 20 years) with "cost-competitive" new or existing resources that emit no greenhouse gases and that meet certain other criteria.

4. To repeal an obsolete provision of law that directed the commission to adopt major substantive rules to provide for the incorporation of contracts with renewable resources into standard offer service as a hedging strategy. The commission submitted proposed rules to the Legislature in 2005, and they were rejected by the Legislature;

5. To allow the commission to direct transmission and distribution utilities to provide credit support for nonresidential customers to facilitate those customers obtaining generation service contracts; and

6. To direct the commission to adopt major substantive rules establishing minimum energy efficiency standards, including enforcement mechanisms, for commercial and consumer products sold or offered for sale in this State and not covered by the federal EPACT (Energy Policy Act of 2005, Public Law 109-58, 119 Stat. 594 (2005)).

Committee Amendment "A" (H-1024) proposed to replace the bill. The amendment proposed the following:

1. To provide for a one-year reduction in the sales and use tax on biofuels and to direct the State Controller to transfer $20,000 from the General Fund unappropriated surplus to the Highway Fund unappropriated surplus no later than June 30, 2007. It proposed to direct the Department of the Secretary of State, Bureau of Motor Vehicles to convene a study group to consider the revenue impacts of a differential tax on biodiesel, the impacts on tax administration and compliance and alternatives to a differential tax including a refund process.

It proposed to authorize the Joint Standing Committee on Utilities and Energy to report out legislation on this matter to the First Regular Session of the 123rd Legislature.

2. To make various changes to the Public Utilities Commission's authority to manage standard-offer service. It would allow the commission to incorporate cost-effective demand-side measures into the supply of standard-offer service. It would authorize the commission to enter into various standard-offer service contract lengths and terms for residential and small commercial customers and direct the commission to report on its use of this authority by January 15, 2008. The Joint Standing Committee on Utilities and Energy would be authorized to report out legislation on this matter to the Second Regular Session of the 123rd Legislature. The amendment proposed to direct the commission to consider developing within its Efficiency Maine program one or more demand response programs for medium nonresidential customers.

3. To establish state policies to increase new renewable capacity resources, reduce electric prices and volatility and mitigate the effects of regional or federal capacity resource mandates. It would authorize the Public Utilities Commission to direct large transmission and distribution utilities to enter into long-term contracts for capacity resources and, under certain circumstances, for related energy. The commission would be authorized to enter into long-term contracts for interruptible, demand response or energy efficiency capacity resources. Only those capacity resources that are competitive and lowest priced, considering both the cost of the capacity and related energy when compared to other available offers, would be eligible for contracting under this provision.

4. To direct the commission by major substantive rule to adopt a long-term electric resource adequacy plan to ensure grid reliability and the availability of electricity to consumers at the lowest price. The rules would be required to be submitted for legislative review by March 1, 2008.

5. To add to the Governor's powers when the Governor declares a state of emergency relating to an energy shortage by authorizing the Governor to take appropriate action to secure capacity resources.

6. To establish the Maine Energy Council to monitor and evaluate matters affecting electricity supply and costs to consumers in this State and to provide recommendations to the Governor, the Public Utilities Commission, other agencies and the Legislature on these matters. It proposed to direct the council to undertake an examination of the feasibility and appropriate means of studying the impacts of electric industry restructuring in this State and to report its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Utilities and Energy by January 15, 2007. The committee would be authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature.

Senate Amendment "A" to Committee Amendment "A" (S-628) proposed to implement the decision of the Legislative Council pursuant to its "Study Table" review of the amended bill to amend Committee Amendment "A" to establish the Maine Energy Council as a one-year study group.

Enacted law summary

Public Law 2005, chapter 677 does the following.

1. It provides for a one-year reduction in the sales and use tax on biofuels. It directs the State Controller to transfer $20,000 from the General Fund unappropriated surplus to the Highway Fund unappropriated surplus no later than June 30, 2007 (to reimburse the Highway Fund for lost fuel tax revenue). It also directs the Department of the Secretary of State, Bureau of Motor Vehicles to convene a study group to consider the revenue impacts of a differential tax on biodiesel, the impacts on tax administration and compliance and alternatives to a differential tax including a refund process. The joint standing committee of the Legislature

having jurisdiction over utilities matters is authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature.

2. It makes various changes to the Public Utilities Commission's authority to manage standard-offer service. It allows the commission to incorporate cost-effective demand-side measures into the supply of standard-offer service. It authorizes the commission to enter into various standard-offer service contract lengths and terms for residential and small commercial customers and directs the commission to report on its use of this authority by January 15, 2008. The joint standing committee of the Legislature having jurisdiction over utilities matters is authorized to report out legislation on this matter to the Second Regular Session of the 123rd Legislature. The amendment also directs the commission to consider developing one or more demand response programs for medium nonresidential customers.

3. It establishes state policies to increase new renewable capacity resources, reduce electric prices and volatility and mitigate the effects of regional or federal capacity resource mandates. It authorizes the Public Utilities Commission to direct large transmission and distribution utilities to enter into long-term contracts for capacity resources and, under certain circumstances, for related energy. The commission is authorized to enter into long-term contracts for interruptible, demand response or energy efficiency capacity resources. Only those capacity resources that are competitive and lowest priced, considering both the cost of the capacity and related energy when compared to other available offers, may be contracted under this provision. It directs the commission by major substantive rule to adopt a long-term electric resource adequacy plan to ensure grid reliability and the availability of electricity to consumers at the lowest price. The rules are required to be submitted for legislative review by March 1, 2008. It also adds to the Governor's powers when the Governor declares a state of emergency relating to an energy shortage by authorizing the Governor to take appropriate action to secure capacity resources.

4. It establishes a study group called the Maine Energy Council to undertake an examination of the feasibility and appropriate means of studying the impacts of electric industry restructuring in this State. The Council is also authorized to monitor and evaluate matters affecting electricity supply and costs to consumers in this State and to provide recommendations to the Governor, the Public Utilities Commission, other agencies and the Legislature on these matters. The Council must report its recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over utilities matters by January 15, 2007. The committee is authorized to report out legislation on these matters to the First Regular Session of the 123rd Legislature.

LD 2060 | **Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission** | **RESOLVE 184 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-948

LD 2060 provided for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-948) proposed to authorize the Public Utilities Commission to finally adopt portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule, as long as certain changes were made relating to commission enforcement proceedings. The

changes would require the commission to hold a preliminary investigation prior to issuing a notice of probable violation. The proposed changes are those specified in the document submitted to the Joint Standing Committee on Utilities and Energy entitled "Amendment to Chapter 895, Underground Facility Damage Prevention Requirements Developed by the Public Utilities Commission and the Telephone Association of Maine in response to the March 23, 2006 directive of the Utilities and Energy Committee."

Enacted law summary

Resolve 2005, chapter 184 authorizes the Public Utilities Commission to finally adopt portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule, as long as certain changes are made relating to commission enforcement proceedings. The changes require the commission to hold a preliminary investigation prior to issuing a notice of probable violation.

Resolve 2005, chapter 184 was enacted as an emergency measure effective April 12, 2006.

LD 2074 **An Act Regarding Energy Efficiency Standards for Residential Rental Properties** **PUBLIC 534**

Sponsor(s)	Committee Report	Amendments Adopted

LD 2074, reported by the Joint Standing Committee on Utilities and Energy pursuant to Resolve 2005, chapter 109, section 4, proposed the following:

1. To require landlords of residential property that will be used by tenants as a primary residence to provide to the tenants an energy efficiency disclosure statement for the property. It also proposed to direct the Public Utilities Commission and the Maine State Housing Authority to prepare and distribute an energy efficiency disclosure statement form for landlords to use;

2. To direct the Public Utilities Commission and the Maine State Housing Authority to develop suggested energy efficiency standards for residential property used by tenants as primary residences; and

3. To require the Public Utilities Commission to submit to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters before January 1, 2008 the commission's assessment of the effectiveness of the energy disclosure statement in meeting the purposes of the law.

Enacted law summary

Public Law 2005, chapter 534 does the following:

1. It requires landlords of residential property that will be used by tenants as a primary residence to provide to the tenants an energy efficiency disclosure statement for the property and directs the Public Utilities Commission and the Maine State Housing Authority to prepare and distribute an energy efficiency disclosure statement form for landlords to use;

2. It directs the Public Utilities Commission and the Maine State Housing Authority to develop suggested energy efficiency standards for residential property used by tenants as their primary residence; and

3. It requires the Public Utilities Commission to submit to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters before January 1, 2008 the commission's assessment of the effectiveness of the energy disclosure statement in meeting the purposes of the law.

LD 2078 **An Act To Establish the Island Falls Water District** **P & S 49**

Sponsor(s)	Committee Report	Amendments Adopted
JOY MARTIN	OTP	

LD 2078 proposed to establish the Island Falls Water District.

Enacted law summary

Private and Special Law 2005, chapter 49 establishes the Island Falls Water District, subject to voter approval in a referendum held within the district.

LD 2080 **An Act To Accelerate Private Investment in Maine's Wireless and Broadband Infrastructure** **PUBLIC 665**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE BARTLETT	OTP-AM	H-1018

LD 2080 proposed the following:

1. To establish the Advanced Technology Investment Authority governed by a 5-member board, including the Chief Information Officer of the State, the chair of the Maine Public Utilities Commission and 3 other members;

2. To direct the authority to collect information concerning communications services in the State, assess the availability and need for services in unserved and underserved areas, identify and secure federal and other funding sources for broadband and wireless deployment and undertake projects to provide increased access to broadband and wireless communications services in unserved and underserved areas of the State;

3. To authorize the authority to up to expend up to $500,000 in previously collected but unallocated funds of the Maine universal service fund;

4. To establish the Advisory Council on Advanced Technology Investment to advise the authority on technical, policy, financial and economic issues and to perform limited functions assigned to it by the authority; and

5. To allow a reimbursement for taxes paid on the purchase of machinery and equipment to develop an advanced communications technology infrastructure in a qualifying ConnectME zones designated by the authority.

Committee Amendment "A" (H-1018) proposed to replace the bill. It proposed to retain the substance of the bill but to make the following changes:

1. To change the name of the Advanced Technology Infrastructure Authority and the Advisory Council on Advanced Technology Investment to the ConnectME Authority and the ConnectME Advisory Council, respectively, and to clarify that members of each are not entitled to compensation for their work on the authority or the council;

2. To provide that the chair of the Public Utilities Commission and the Chief Information Officer may appoint designees to serve on their behalf on the authority;

3. To provide that the Director of the Office of Innovation within the Department of Economic and Community Development appoints the members of the advisory council representing the Maine Technology Institute and the Small Enterprise Growth Fund;

4. To limit the authority of the ConnectME Authority to undertake projects. The limits would ensure that projects are only undertaken in an unserved or underserved area and that advanced communications technology infrastructure would not otherwise be provided in the area without the assistance of the authority. The authority would be prohibited from providing communications services or wireless services at retail or wholesale;

5. To remove the provision of the bill providing for perpetual succession of the authority. All provisions relating to the authority and advisory council would be repealed on January 31, 2009. It proposed to direct the authority to submit a plan by January 31, 2008, with implementing legislation for winding up its affairs;

6. To repeal the tax reimbursement provision on January 31, 2009;

7. To add to the authority's reporting requirements that the authority report annually on the availability of communications services and advanced communications technology infrastructure as well as market conditions in the State;

7. To prohibit the authority from collecting cable franchise fees;

8. To limit the authority's ability to designate information as confidential and require the authority to adopt major substantive rules regarding confidentiality;

9. To authorize the authority to use the services of up to 3 full-time employees from agencies with expertise in matters relating to the purposes of the authority;

10. To allow the authority to use up to $500,000 from the state universal service fund but require the authority to reimburse the fund. The funds would not be available to the authority until it received authorization to finally adopt its governing major substantive rules;

11. To establish an assessment on communications service providers to fund the authority. Cellular providers would not be subject to the assessment but facilities-based wireless providers could choose to be assessed and thereby become eligible to partner with the authority in its projects. The assessment would be not be authorized until the authority received authorization to finally adopt its governing major substantive rules; and

12. To make a variety of technical changes to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-675) (not adopted) proposed to eliminate provisions providing for reimbursement of taxes relating to advanced communications technology infrastructure.

Enacted law summary

Public Law 2005, chapter 665 does the following.

1. It establishes the ConnectME Authority to stimulate investment in advanced communications technology infrastructure in unserved and underserved areas of the State.

2. It directs the authority to monitor wireless coverage, expand the availability of broadband in unserved and underserved areas, collect data on and assess the availability of advanced telecommunications services in unserved and underserved areas, and identify and secure federal and other funding sources for broadband and wireless deployment or education. The definition of "unserved and underserved areas" is to be established by major substantive rule of the authority.

3. It grants the authority broad powers to acquire property, enter contracts, operate facilities, charge fees, lease property, etc. It also authorizes the authority to gather information from communications service providers. It authorizes the authority to designate information as confidential but requires the authority to adopt major substantive rules regarding standards for making such a designation.

4. It limits the ability of the authority to undertake projects. These limits are designed to ensure that the projects are only undertaken in an unserved or underserved area and that advanced communications technology infrastructure would not otherwise be provided in the area without the assistance of the authority. The authority is also prohibited from providing communications services or wireless services at retail or wholesale.

5. It authorizes the authority to use the services of up to 3 full-time employees from agencies such as the Public Utilities Commission with expertise in matters relating to the purposes of the authority.

6. It establishes an assessment on communications service providers to fund the authority. Facilities-based wireless providers may choose to be assessed and thereby become eligible to partner with the authority in its projects. This assessment is delayed, however, until the authority receives authorization to finally adopt its governing rules, which are major substantive rules.

7. It authorizes a temporary transfer to the authority of previously collected but unallocated funds in the Maine universal service fund. The transfer is not authorized until the authority receives authorization to finally adopt its governing rules, which are major substantive rules. The authority is required to reimburse the fund once it has collected sufficient funds through its assessment; the commission is directed to return the funds to ratepayers.

8. It requires the authority to report annually to the Joint Standing Committee on Utilities and Energy on its activities and authorizes the committee, after receiving the report, to report out legislation relating to the authority.

9. It establishes an advisory council to advise the authority on technical, policy, financial and economic issues and to undertake limited functions assigned to it by the authority.

10. It provides for repeal of all provisions relating to the authority and advisory council on January 31, 2009 and directs the authority to submit a year prior to that date a plan with implementing legislation for winding up its

affairs. The Joint Standing Committee on Utilities and Energy may report out legislation to the 2nd Regular Session of the 123rd Legislature legislation providing for the winding up of the affairs of the authority or the repeal of the sunset.

11. It allows a reimbursement for taxes paid on the purchase of machinery and equipment to develop an advanced communications technology infrastructure in a qualifying zones designated by the authority. The total amount reimbursed in any fiscal year may not exceed $500,000. This tax reimbursement provision is repealed January 31, 2009.

LD 2088 **Resolve, Concerning the Collection of the Statewide E-9-1-1 Surcharge from Prepaid Wireless Telephone Service** **RESOLVE 162**

Sponsor(s)	Committee Report	Amendments Adopted

LD 2088 was reported by the Joint Standing Committee on Utilities and Energy pursuant to Resolve 2005, chapter 62, section 3.

This resolve proposed to direct the Public Utilities Commission to form a stakeholder group to define an appropriate amount of and means of collecting and remitting an E-9-1-1 surcharge on prepaid wireless telephone service. The commission would be directed to submit a report of the stakeholder group's recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The resolve proposed to authorize the commission to offer its own recommendations on the subject if the stakeholder group failed to reach agreement or the commission otherwise determined it appropriate to supply its own separate recommendations. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters would be authorized to report out legislation relating to the subject matter of this resolve to the First Regular Session of the 123rd Legislature.

Enacted law summary

Resolve 2005, chapter 162 directs the Public Utilities Commission to form a stakeholder group to define an appropriate amount of and means of collecting and remitting an E-9-1-1 surcharge on prepaid wireless telephone service. The commission is directed to submit a report of the stakeholder group's recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The resolve authorizes the commission to offer its own recommendations on the subject if the stakeholder group fails to reach agreement or the commission otherwise determines it appropriate to supply its own separate recommendations. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters is authorized to report out legislation relating to the subject matter of this resolve to the First Regular Session of the 123rd Legislature.

LD 2100 **An Act To Amend the Charter of the Anson Water District** **P & S 51**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	OTP-AM	S-601

LD 2100 proposed to amend the charter of the Anson Water District. It proposed to clarify the district's boundaries, give the district access to groundwater anywhere in the town and specify that the district's election of officers takes place at the annual meeting of the district.

Committee Amendment "A" (S-601) proposed to make a technical change to the bill to clarify that it is the election of trustees, not officers, that occurs at the time of the district's annual meeting.

Enacted law summary

Private and Special Law 2005, chapter 51 amends the charter of the Anson Water District. It clarifies the district's boundaries, gives the district access to groundwater anywhere in the town and specifies that the district's election of trustees takes place at the annual meeting of the district.

LD 2117 **An Act To Amend the Charter of the Starboard Water District** **P & S 63**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
RAYE EMERY		

LD 2117, which was enacted without reference to committee, proposed to extend from July 1, 2006 to July 1, 2007 the date by which an election must be held for the legal voters of the Town of Machiasport to vote on creating the Starboard Water District.

Enacted law summary

Private and Special Law 2005, chapter 63 extends from July 1, 2006 to July 1, 2007 the date by which an election must be held for the legal voters of the Town of Machiasport to vote on creating the Starboard Water District.

Private and Special Law 2005, chapter 63 was enacted as an emergency measure effective May 30, 2006.