



Enacted Law Digest

**A Summary of Laws Enacted and
Resolves and Joint Orders Passed by
The 119th Maine Legislature**

**State of Maine
119th Legislature
Second Regular Session**

June 2000

**Prepared by the
Office of Policy and Legal Analysis and the
Office of Fiscal and Program Review
Maine Legislature**

**under the auspices of the
Legislative Council**

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Agriculture, Conservation and Forestry

PUBLIC 556 **An Act to Change the Name of the Natural Resources Information and Mapping Center to More Accurately Reflect its Roles and Duties and to Correct Inconsistent Statutes** **LD 2376**

<u>Sponsor(s)</u> NUTTING J	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 556 changes the name of the Natural Resources Information and Mapping Center to the Bureau of Geology and Natural Areas to more accurately reflect the responsibilities and duties performed by this bureau within the Department of Conservation.

PUBLIC 563 **An Act to Clarify Granting Authority Under the Agricultural Development Grant Program** **LD 2295**

<u>Sponsor(s)</u> NUTTING J GOOLEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 563 allows grants for technical assistance as one category of grants funded from interest on the balance of the Agricultural Marketing Loan Fund.

PUBLIC 592 **An Act to Establish Standards and Conditions for Designation of Ecological Reserves on Lands Managed by the Bureau of Parks and Lands** **LD 477**

<u>Sponsor(s)</u> KILKELLY DUNLAP	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-500 S-510 NUTTING J
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Public Law 1999, chapter 592 enacts a definition of "ecological reserve" and allows the Director of the Bureau of Parks and Lands to designate as an ecological reserve lands under the jurisdiction of the bureau that were listed as parcels for potential ecological reserve designation in the 1998 published inventory. In the process of adopting a management plan for a parcel of land that was not in the 1998 inventory, the director may designate additional land as an ecological reserve.

Chapter 592 specifies uses allowed on ecological reserves. It prohibits timber harvesting, commercial mining and excavation of sand and gravel on ecological reserves. It provides limits on the total acreage within the jurisdiction of the Bureau of Parks and Lands that may be designated as ecological reserves and limits the amount of operable timberland that may be designated as ecological reserves. It requires wildfires to be controlled and specifies allowed protection measures. It requires the director to include information on ecological reserves in the director's annual reports to the Legislature on reserved and nonreserved public lands.

Agriculture, Conservation and Forestry

**PUBLIC 593 An Act to Specify Eligibility for Land Purchases Under the
Agricultural Marketing Loan Fund**

LD 2340

<u>Sponsor(s)</u> CROSS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-833
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Public Law 1999, chapter 593 specifies the types of land purchases eligible for an agricultural marketing loan. An agricultural marketing loan may be used to purchase new cranberry acreage, land to provide direct access to water for irrigation, land for the start-up of a new agricultural enterprise and the expansion of an existing agricultural enterprise when the land purchase is necessary to comply with land use regulations. It restricts the amount of a loan for a land purchase by a new agricultural enterprise to \$100,000.

PUBLIC 597 An Act to Amend the Animal Welfare Laws

LD 2306

<u>Sponsor(s)</u> COWGER	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-834
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Public Law 1999, chapter 597 changes the late fee for dog licensing from the current late fee of \$3 to \$5 for municipalities that do not issue a warrant and clarifies that, in municipalities that do issue late warrants, the late fee for dog licensing is \$10. It also removes statutory language allowing the court to order a psychological evaluation for a person who violates the civil laws regarding cruelty to animals.

**PUBLIC 598 An Act to Improve Licensing Efficiency within the Department of
Agriculture, Food and Rural Resources**

LD 2448

<u>Sponsor(s)</u> FOSTER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-864
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Public Law 1999, chapter 598 changes expiration dates for licenses issued by the Commissioner of Agriculture, Food and Rural Resources for food or food salvage establishments or beverage manufacturing or bottling to coincide with the calendar year.

Agriculture, Conservation and Forestry

PUBLIC 603 **An act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation Under the State Government Evaluation Act** **LD 2629**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 1999, chapter 603 provides for the joint standing committee having jurisdiction over matters pertaining to state parks and public lands to review appointments to the Land for Maine's Future Board. It provides for the biennial report on expenditures from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund to be submitted to the joint standing committee having jurisdiction over matters pertaining to state parks and public lands.

It also provides for the Land for Maine's Future Board to be reviewed under the State Government Evaluation Act by the joint standing committee having jurisdiction over matters pertaining to state parks and public lands. Prior to enactment of chapter 603 the Government Evaluation Act provided for review of the Land for Maine's Future Board by the State and Local Government Committee as part of its review of the State Planning Office. The Natural Resources Committee reviewed appointments to the board and biennial reports were submitted to the Natural Resources Committee.

PUBLIC 618 **An Act to Help Farmers to Protect the Quality of Milk** **LD 1567**

<u>Sponsor(s)</u> WESTON DAVIS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-934
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Public Law 1999, chapter 618 directs the Commissioner of Agriculture, Food and Rural Resources to develop a process for obtaining and testing samples of milk when a milk producer disputes the results of a test or a component analysis conducted by an employee of a milk plant.

PUBLIC 646 **An Act to Amend the Qualifications of Weighmasters** **LD 1182**

<u>Sponsor(s)</u> TESSIER PINGREE	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-952
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Public Law 1999, chapter 646 establishes a corporate public weighmaster license. Only a person holding an individual public weighmaster's license is allowed to issue weight certificates under a corporate license. The individual weighmaster issuing a weight certificate must be identified by number on the corporate seal.

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PUBLIC 679 **An Act to Amend the Maine Milk Laws**
EMERGENCY

LD 2662

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 1999, chapter 679 amends statutory definitions to use terms consistent with definitions in the proposed major substantive rules. It increases the fines for violations of the Maine Milk laws. It clarifies activities relating to the sale and distribution of milk and milk products that require a license or permit from the Commissioner of Agriculture, Food and Rural Resources. Part B of chapter 679 makes statutory changes to provide for payment to milk producers using component pricing. Chapter 679 has an effective date of April 12, 2000.

PUBLIC 695 **An Act to Provide for Statewide Standards for Timber Harvesting
in Shoreland Areas and to Modify Regulation of Stream Crossings**

LD 2665

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM MAJ	<u>Amendments Adopted</u>
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Public Law 1999, chapter 695 directs the Commissioner of Conservation to provisionally adopt rules to establish statewide standards for timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. It requires the rules to retain standards established by the Department of Environmental Protection under the laws relating to mandatory shoreland zoning and natural resources protection when those standards are consistent with standards established by the Maine Land Use Regulation Commission. It authorizes the joint standing committee of the Legislature having jurisdiction over forestry matters to report out a bill to the Second Regular Session of the 120th Legislature to amend statutes administered and enforced by the Department of Environmental Protection and the Maine Land Use Regulation Commission pertaining to timber harvesting activities. Chapter 695 also eliminates any waiting period for road construction activities associated with forest management activities. A permit by rule becomes effective when the Department of Environmental Protection receives notification of the activity as long as the notification is complete and the activity is eligible for a permit by rule.

PUBLIC 723 **An Act to Revise the Law Protecting Farmers' Right to Farm and
to Provide for Nutrient Management Plans to be Confidential**

LD 2596

<u>Sponsor(s)</u> PIEH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1069
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Public Law 1999, chapter 723 allows the Commissioner of Agriculture, Food and Rural Resources to prescribe best management practices for any farm or farm operation when a problem is identified that is caused by the

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failure to use best management practices. It clarifies the actions the court may order when a person fails to apply best management practices. These actions include abatement of the nuisance, enforcing any applicable state law, injunctive relief and imposing a penalty for a separate civil violation. It requires the commissioner to conduct an educational outreach program to increase awareness of the provisions of Maine's Right-to-Farm law and best management practices.

Chapter 723 also specifies that nutrient management plans prepared in accordance with Maine's Nutrient Management Act are confidential and are not a public record.

PUBLIC 724 **An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the State Board of Pesticides Control Under the State Government Evaluation Act** **LD 2634**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 1999, chapter 724 suspends for 2 years the statutory requirement that the State Board of Pesticides Control submit an annual report containing the quantity of pesticide products sold the previous year sorted by name and registration number of the pesticides. It directs the board to report on its progress in developing a preferred method of data collection and reporting to track pesticide use. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to report out legislation regarding data collection and reporting of pesticide use to the Second Regular Session of the 120th Legislature.

PUBLIC 763 **An Act to Preserve the State's Farm Economy and Heritage** **LD 2086**

<u>Sponsor(s)</u> PINGREE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-574 S-788 MICHAUD
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Public Law 1999, chapter 763 creates the Maine Farms for the Future Program. This program provides funds to assist farms in developing business plans to identify changes in farm management practices and investments in equipment and property with potential to increase the vitality of the farm.

The program operates in 2 phases; the first phase allows a farm that has 5 or more acres of land in agricultural use to apply for assistance in developing a business plan and the 2nd phase allows a farm that has developed a business plan with the program to apply for investment support to implement the plan. A review panel evaluates and selects applications for participation in the program.

A farm selected in the first phase must enter into a 5-year first farmland protection agreement in which the farmer agrees to protect the farmland from nonagricultural development. A farm selected under the second phase must enter into an additional 5-year farmland protection agreement. The 5-year period must run consecutively with the first farmland protection agreement. The farm may withdraw from the agreement at any

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point if the farmer repays the program for any outside service reimbursement and any direct services provided the farm by the program.

The Department of Agriculture, Food and Rural Resources is required to contract for the administration of the program through a competitive process. The department is responsible for executing and enforcing the farmland protection agreements. The organization receiving the contract is responsible for promoting the program to farms in the State, organizing the review panel, developing selection criteria for both phases of the program, administering the disbursement of funds, and making a yearly progress report on the program to the Legislature. Chapter 763 appropriates \$200,000 to capitalize the program and specifies that the organization selected to administer the program must provide a \$200,000 match.

PUBLIC 765 An Act to Regulate Commercial Large Game Shooting Areas LD 1332

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM MAJ	H-1134 MARTIN
DUNLAP	OTP-AM MIN	S-747 MICHAUD

Public Law 1999, chapter 765 requires a person who operates a commercial large game shooting area to obtain a license. It establishes provisions for the Commissioner of Agriculture, Food and Rural Resources to issue a commercial large game shooting area license only to operations that existed between October 1, 1999 and March 15, 2000. It prohibits killing of any animal other than domesticated deer, bison and boar on a commercial large game shooting area and defines those terms. It establishes facility requirements and weapons restrictions for these operations. It clarifies that laws pertaining to animal welfare and disease control apply to animals kept at a commercial large game shooting area.

It identifies chronic wasting disease in statute as a reportable disease. The commissioner currently determines by rule which diseases are "reportable." Any person who has knowledge of the existence of or exposure to a reportable disease is required to report this to the Department of Agriculture, Food and Rural Resources. It directs the commissioner to monitor reports of chronic wasting disease and progress in developing diagnostic tests and vaccinations for the disease and to develop a program to prevent the introduction of chronic wasting disease into the State.

Chapter 765 makes it a violation of civil and criminal cruelty to animals statutes for anyone to hunt or sell for the purpose of hunting any animal except as permitted in a licensed commercial large game shooting area or in statutes administered and enforced by the Department of Inland Fisheries and Wildlife.

PUBLIC 769 An Act to Implement the Recommendations of the Task Force to LD 2532
Study the Need for an Agricultural Vitality Zone Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-548
		S-761 MICHAUD

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Public Law 1999, chapter 769 requires that a minimum of \$1,000,000 be available from the Agricultural Marketing Loan Fund for loans to agricultural enterprises engaged primarily in direct marketing. These loans may be for traditional equipment and other capital expenses. The requirement that the commissioner make available \$1,000,000 for these projects is repealed December 31, 2002. Chapter 769 specifies circumstances under which the Agricultural Marketing Loan Fund may be used to help fund the cost of developing a business plan for an agricultural enterprise applying for a project loan under the Agricultural Marketing Loan Fund program and sets limits on the amount of funding for the business plan.

Chapter 769 directs the Commissioner of Agriculture, Food and Rural Resources to develop information on the sources of Maine's food supply and to take actions to increase the production and sale of in-state foods. It directs the Commissioner of Agriculture, Food and Rural Resources to provide assistance to farmers' markets. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to report out legislation during the 120th Legislature to update and revise provisions in Title 7 regarding agricultural internship and training, agricultural awareness, purchasing of food by state institutions and in-state marketing of food produced in Maine. It appropriates \$20,000 to the Department of Agriculture, Food and Rural Resources to assist in developing data regarding food consumption and support activities to increase sales of locally grown food.

Chapter 769 allows proceeds from the Land for Maine's Future Fund to be used for developing a business plan and capital improvements to farmland when interest in the farmland has been acquired through the Land for Maine's Future Fund.

PUBLIC 777 An Act to Implement a Maine Meat and Poultry Inspection Program LD 2687

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-1119 PIEH S-793 MICHAUD

Public Law 1999, chapter 777 directs the Commissioner of Agriculture, Food and Rural Resources to implement a meat and poultry inspection program. It requires the standards of the state program to be at least as stringent as and consistent with the federal meat inspection program. It requires the identification of inspected products. It establishes licensing provisions for categories of people engaged in intrastate commerce with regard to the processing and selling of meat and meat products.

P & S 93 An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Maine Seed Potato Board Under the State Government Evaluation Act LD 2633

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-764 MICHAUD

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Private and Special Law 1999, chapter 93 appropriates \$100,000 to the Porter Nuclear Seed Facility for equipment, capital improvements and repairs.

RESOLVE 92 **Resolve, Regarding Legislative Review of Chapter (unassigned):** **LD 2528**
EMERGENCY **Rules Governing the Licensing and Inspection of Farm Cheese, a**
 Major Substantive Rule of the Department of Agriculture, Food
 and Rural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 1999, chapter 92 authorizes final adoption of Rules Governing the Licensing and Inspection of Farm Cheese, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Resolve 1999, chapter 92 was finally passed as an emergency measure effective March 15, 2000.

RESOLVE 93 **Resolve, Regarding Legislative Review of Chapter 267: License** **LD 2544**
EMERGENCY **Fees to Sell Nursery Stock, a Major Substantive Rule of the**
 Department of Agriculture, Food and Rural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 1999, chapter 93 authorizes final adoption of Chapter 267: License Fees to Sell Nursery Stock, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Resolve 1999, chapter 93 was finally passed as an emergency measure effective March 29, 2000.

RESOLVE 111 **Resolve, Regarding Legislative Review of Chapter (Unassigned):** **LD 2595**
EMERGENCY **Rules Governing Maine Milk and Milk Products, Major**
 Substantive Rules of the Department of Agriculture, Food and
 Rural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1013
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Resolve 1999, chapter 111 authorizes final adoption of Rules Governing Maine Milk and Milk Products, a major substantive rule of the Department of Agriculture, Food and Rural Resources. The Resolve specifies revisions to the provisionally adopted rule and requires documentation detailing the revisions to be filed with the Secretary of State, and adds a fiscal note.

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Resolve 1999, chapter 111 was finally passed as an emergency measure effective April 12, 2000.

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RESOLVE 112 Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands

LD 2638

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS FOSTER	OTP-AM	S-627

Resolve 1999, chapter 112 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey, by quitclaim deed and subject to certain conditions, approximately 600 acres of nonreserved public lands in the towns of New Gloucester, North Yarmouth and Gray to October Corporation for not less than fair market value. These nonreserved public lands, which consist of approximately 300 acres currently leased for agricultural use and approximately 300 acres of interspersed woodlands, are generally contiguous to or in the vicinity of the Pineland Facility campus.

The conveyance is contingent upon exercise of an "Option Agreement," dated January 10, 2000, between the State and October Corporation for the purchase of certain state-owned parcels of real estate and certain buildings associated with the State's Pineland Facility situated primarily in the Town of New Gloucester.

Proceeds from the sale of the nonreserved public lands of the Bureau of Parks and Lands must be used to purchase land to be managed for similar purposes in Cumberland County.

**RESOLVE 124 Resolve, to Establish the Round Table to Study Economic and
EMERGENCY Labor Issues Relating to the Forest Products Industry**

LD 2005

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	OTP-AM MAJ ONTP MIN	H-865 S-771 MICHAUD

Resolve 1999, chapter 124 establishes the Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry. The round table consists of 19 members. Eight members are appointed by the President of the Senate and eight are appointed by the Speaker of the House. The Commissioner of Conservation, the Commissioner of Labor and the Dean of the College of Natural Sciences, Forestry and Agriculture, University of Maine or their respective designees also serve as voting members. The round table is directed to study trends in the logging industry, including employment relationships, the dynamics of import and export markets for roundwood and other forest products and the status of value-added manufacturing within the forest products industry. The round table is directed to hold a public meeting on its findings and to submit a report to the 120th Legislature by December 5, 2001.

Resolve 1999, chapter 124 was finally passed as an emergency measure effective May 8, 2000

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RESOLVE 125 Resolve, to Require the State Sealer to Conduct Spot Checks at Timber Mills

LD 2457

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN	OTP-AM MAJ ONTP MIN	H-1175 TOWNSEND H-835

Resolve 1999, chapter 125 provides for a one-time appropriation of \$10,000 to the Division of Quality Assurance and Regulation for additional spot checks to determine the accuracy of wood measurements and to enforce the wood measurement laws. It requires the Director of the Division of Quality Assurance and Regulation to report to the Legislature by February 15, 2001 on the enhanced monitoring.

PASSED JOINT ORDER – Relative to the Committee to Study Access to Private and Public Lands in Maine

HP 1951

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

Joint Order HP 1951 creates the legislative Committee to Study Access to Private and Public Lands in Maine. The committee consists of 5 legislators. The committee is directed to gather information and study issues relating to access to lands beyond checkpoints operated by landowners and landowner associations. The committee is required to submit its report by November 1, 2000. The joint standing committee having jurisdiction over matters pertaining to parks and lands is authorized to report out a bill during the 1st Session of the 120th Legislature concerning the findings and recommendations in the report.

Appropriations and Financial Affairs

PUBLIC 561 An Act to Implement Recommendations of the Commission on Performance Budgeting

LD 2380

<u>Sponsor(s)</u> MICHAUD BERRY R	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 561 amends 2 provisions concerning the Commission on Performance Budgeting to clarify the time of appointment of the members and to change the date for the commission to report its audit recommendations.

PUBLIC 731 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, 2000 and June 30, 2001

LD 2510

<u>Sponsor(s)</u> TOWNSEND MICHAUD	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-1140 H-1164 TOWNSEND
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Public Law 1999, chapter 731 does the following, summarized below by part and section:

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1	Supplemental General Fund Appropriations/Deappropriations
	A-2	Supplemental Federal Expenditures Fund Allocations/Deallocations
	A-3	Supplemental Other Special Revenue funds Allocations/Deallocations
	A-4	Supplemental Federal Block Grant Fund Allocations/Deallocations
	A-5	Bureau of Revenue Services Fund Allocations
	A-6	Supplemental Alcoholic Beverage Fund Allocations/Deallocations
	A-7	Supplemental Prison Industries Fund Allocations
	A-8	Supplemental Seed Potato Board Fund Deallocations
	A-9	Supplemental State Lottery Fund Allocations
	A-10	Accident, Sickness and Health Insurance Internal Service Fund Allocations (Also see Part M)
	A-11	Supplemental Office of Information Services Fund Allocations
B	B-1	General Fund Appropriations for Reclassifications
	B-2	Federal Expenditures Fund Allocations for Reclassifications
	B-3	Other Special Revenue funds Allocations for Reclassifications
	B-4	Federal Block Grant Fund Allocations for Reclassifications
	B-5	Central Motor Pool Allocations for Reclassifications
C	C-1	General Fund Deappropriations to Fund Reclassifications

Appropriations and Financial Affairs

- D
 - D-1 Establishes the education hardship cushion for fiscal year 2000-01
 - D-2, D-5 Establishes the per pupil guarantee and statewide factor for fiscal year 2000-01
 - D-3 Changes statewide local share for education operating costs allocation for fiscal year 2000-01
 - D-4, D-6, D-7, D-8, D-9 Establishes basic elementary and secondary per pupil operating rates, foundation allocation and appropriation for education funding for fiscal year 2000-01
 - D-10, D-13 Establishes debt service appropriation and allocation for education funding for fiscal year 2000-01
 - D-14 - D-15 Establishes adjustments, miscellaneous costs appropriation and totals for education funding for fiscal year 2000-01
 - D-16 Permits unexpended balances in individual GPA programs to be applied to other GPA programs to avoid prorating payments
 - D-17 Limits state GPA payments to amounts appropriated for GPA
- E
 - E-1 Implements the modified accrual method of accounting for Corporate Income Tax, Cigarette and Tobacco Tax, Estate Tax and the Real Estate Transfer Tax (Also see PL 1999, c. 732, Part F, Section F-1)
 - E-2 Recognizes payments to the Estate Tax Suspense Account as General Fund Revenue beginning in fiscal year 2000-01(Also see PL 1999, c. 732, Part F, Section F-2)
- F
 - F-1 Establishes salary range 90 for the position of Chief Information Officer, Department of Administrative and Financial Services and Associate Commissioner for Legislative and Program Services, Department of Corrections
 - F-2 - F-3 Establishes the position of Chief Information Officer as a major policy-influencing position within the Department of Administrative and Financial Services
 - F-4 Extends 2 limited-period positions in the Bureau of the Budget to 6/30/01
 - F-5 Transfers \$14,662,083 from the Telecommunications Personal Property Tax Reserve to General Fund unappropriated surplus in fiscal year 1999-00 to offset impact of the elimination of the prepayment (Not effective due to effective date of bill) (Also see PL 1999, c. 732, Part C, Section C-1)

Appropriations and Financial Affairs

effective date of bill) (Also see PL 1999, c. 732, Part G, Section G-1)

- F-6 Provides a transfer from the Transportation Funding Reserve in the General Fund to the Highway Fund in fiscal year 2000-01
- F-7 Provides a transfer from General Fund unappropriated surplus to the Highway Fund in fiscal year 2000-01
- F-8 Authorizes 3 limited period cartographer positions in the Bureau of Information Services through 4/15/01 to implement E-911 system
- F-9 Authorizes one limited period position in Bureau of Accounts and Control through 12/31/00 to design and implement a new automated time and attendance system
- G
 - G-1 - G-2 Establishes the position of Associate Commissioner for Legislative and Program Services in the Department of Corrections
 - G-3 Authorizes the Department of Corrections to establish intermittent positions to avoid unbudgeted overtime
- H
 - H-1 Requires funds received by the Land for Maine's Future Board from its credit card to be deposited in a separate account and authorizes the board to expend funds from the account for administrative costs
- I
 - I-1 Establishes Legislative intent that unallocated disaster assistance funds may be used as match for claims associated with federally approved disasters in Maine (Also see PL 1999, c. 732, Part D, Section D-1)
- J
 - J-1 - J-3 Provides that certain Inland Fisheries and Wildlife funds lapse to the General Fund to reconcile collective bargaining amounts and cover the cost of conversion to Microsoft (Also see Part III)
- K
 - K-1, K-3 Repeals laws relating to Department of Labor oversight of safety of bedding, upholstered furniture, stuffed toys and flammable fabrics effective 6/30/01
 - K-2 Provides that funds appropriated for the Governor's Training Initiative Program do not lapse
- L
 - L-1, L-3 - L-4 Repeals requirements for state and regional mental health family support councils
 - L-2 Permits Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to compensate consumers or their family members who are members of ad hoc committees up to \$25 per day and payment of expenses

Appropriations and Financial Affairs

- L-5 Extends to 6/30/01 authority of the Department of Mental Health, Mental Retardation and Substance Abuse Services to allot by financial order funds received as Medicaid reimbursement from private nonmedical institutions and requires the funds to be used for community development
- L-6 Removes requirement that the Department of Mental Health, Mental Retardation and Substance Abuse Services transfer funds from AMHI to community services to fund a safe house for trauma victims in southern Maine
- L-7 Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to seek Medicaid reimbursement for targeted case management and administrative costs for deposit in the General Fund (Also see Part JJJ)
- L-8 Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services to substitute vacant positions for filled positions scheduled for elimination at the Bangor Mental Health Institute
- M M-1 Establishes the Accident, Sickness and Health Insurance Internal Service Fund
- M-2 Provides transition language to transfer the operations of the Accident, Sickness and Health Insurance Dedicated Revenue Account to the Internal Service Fund
- N N-1 Authorizes the extension of one limited-period Program Director position at the Governor Baxter School for the Deaf to June 30, 2001
- O O-1 Authorizes the transfer of funds from the Maine Sludge and Residuals Research Foundation to the BioResource Engineering Department, University of Maine at Orono, for a State-University project
- P P-1 Changes the purpose for which funds carried forward in the Public Advocate program from fiscal year 1999-00 can be spent
- Q Q-1 Clarifies statutory language regarding the responsibility of rabies testing (See LD 1662)
- Q-2 Authorizes a transfer from Targeted Case Management - Child Welfare recoveries in the Department of Human Services to General Fund undedicated revenue
- R R-1 Delays the repeal of the Snack Tax until January 1, 2001 (See LD 2602)
- S S-1 - S-4 Provides income tax deduction of public and private retirement benefits for each individual up to \$6,000, effective with tax years beginning 2000 (See LD 2459, LD 2542 and LD 2641)

Appropriations and Financial Affairs

- S-5 Provides a General Fund appropriation in fiscal year 2000-01 for a Tax Examiner position in the Bureau of Revenue Services to administer the new income tax exemption for pensions
- T T-1 - T-11 Indexing of income tax brackets: increases the brackets in 2002 and indexes the brackets for tax years beginning in 2003
- U U-1 - U-6 Establishes the Disproportionate Tax Burden Fund, a new state-municipal revenue-sharing program, and provides a one-time General Fund appropriation of \$3,600,000 in fiscal year 2000-01 (See LD 2541 and LD 2669)
- V V-1 - V-2 Establishes a non-refundable state earned income credit equal to 5% of the federal earned income credit (See LD 103)
- V-3 Provides a General Fund appropriation in fiscal year 2000-01 for computer programming and a Tax Examiner position in the Bureau of Revenue Services
- W W-1 - W-4 Telecommunications personal property tax: a phased-in reduction from 27 mills to 20 mills beginning in 2003 and eliminates the prepayment of 1/2 of the next year's tax (See LD 2458 and PL 1999, c. 732, Part H)
- X X-1 - X-5 Conforms state income tax to federal treatment of deduction for health insurance costs of self-employed individuals effective with tax years beginning on or after 1/1/98
- Y Y-1 - Y-6 Clarifies Farm and Open Space property tax treatment and reduces the withdrawal penalty to the Constitutional minimum
- Z Z-1 Continues a provision related to the ability of the Maine Environmental Protection Fund to assess fees for the review of license and permit applications
- AA AA-1 - AA-2 Requires the Commissioner of the Department of Human Services to provide monthly expenditure projections of Medicaid spending to the Appropriations Committee and the Health and Human Services Committee
- AA-3 - AA-5 Requires the Commissioner of the Department of Human Services to provide monthly reports on the children served by the Bureau of Child and Family Services to the Appropriations Committee and the Health and Human Services Committee
- BB BB-1 - BB-2 Requires that Financial Orders that transfer 3rd or 4th quarter allotments that result from trends that cause financial commitments to exceed budgeted amounts are subject to review by the Appropriations Committee

Appropriations and Financial Affairs

- CC CC-1 - CC-15 Changes retirement provisions for certain state police officers and special agent investigators (see LD 2363)
- CC-16 Provides General Fund appropriations for the retirement changes made for certain state police officers and special agent investigators
- DD DD-1 - DD-2 Establishes the Retiree Health Insurance Internal Service Fund within the Department of Administrative and Financial Services and provides funding from certain excess General Fund revenues that would have been transferred to the Maine Rainy Day Fund had that fund not been at its 6% limit effective June 30, 2001
- EE EE-1 Requires Other Special Revenue funds from the reserve for hospital assessments to lapse to the General Fund (Also see PL 1999, c. 732, Part I)
- EE-2 Provides General Fund adjustments in the Department of Administrative and Financial Services to provide \$850,000 to the Maine Residents Property Tax Program in fiscal year 1999-00 (Also see PL 1999, ch. 732, Part I)
- FF FF-1 - FF-6 Renames the Adaptive Equipment Loan Program to the Kim Wallace Adaptive Equipment Loan Program
- GG GG-1 - GG-2 Repeals certain allocations from the Fund for a Healthy Maine authorized during 1st Regular Session of the 119th Legislature
- HH HH-1 - HH-2 Provides allocations from the Fund for a Healthy Maine for tobacco prevention and cessation programs within the Department of Human Services and specifies certain criteria pertaining to grants awarded
- II II-1 Provides allocations from the Fund for a Healthy Maine for the Department of the Attorney General
- JJ JJ-1 Provides allocations from the Fund for a Healthy Maine for the Department of Mental Health, Mental Retardation and Substance Abuse Services for substance abuse services (See LD 1360)
- KK KK-1 Amends the specific funding requirement for the Drugs for the Elderly program and the Medicaid prescription drug waiver statutes that must be funded from the Fund for a Healthy Maine (Also see Part TT)
- LL LL-1 Provides allocations from the Fund for a Healthy Maine for the Department of Human Services to expand home-visiting services to parents of newborn children
- MM MM-1 Provides allocations from the Fund for a Healthy Maine for the Department of Human Services for child care and Head Start programs
- NN NN-1 Provides allocations from the Fund for a Healthy Maine for the Quality Child Care Education Scholarship Fund within FAME

Appropriations and Financial Affairs

- OO OO-1 - OO-2 Provides Medicaid to parents and caretaker relatives under 150% of the poverty line, increases the income limit for pregnant women to 200% and amends transitional Medicaid provisions
- OO-3 - OO-5 Provides allocations from the Fund for a Healthy Maine and Federal Expenditures Fund allocations to support the Medicaid expansions in OO-1 thru OO-2
- PP PP-1 - PP-2 Provides Cub Care coverage to infants under one year of age equivalent to children over one year of age (currently 200% of the poverty line) (see LD 2269)
- PP-3 - PP-4 Provides an allocation from the Fund for a Healthy Maine and a Federal Block Grant allocation for the Cub Care expansion in PP-1 thru PP-2
- QQ QQ-1 - QQ-2 Establishes a School Nurse Consultant within the Department of Education and provides an allocation from the Fund for a Healthy Maine for the related costs
- RR RR-1 Provides allocations from the Fund for a Healthy Maine to the Department of Administrative and Financial Services for the Biennial Reserve Account to be used in future biennia and to the Trust Fund for a Healthy Maine
- SS SS-1 - SS-3 Establishes the Human Leukocyte Antigen Screening Fund and provides a one-time allocation from the Fund for a Healthy Maine to the Department of Human Services for the first year of the screening fund (see LD 2368)
- TT TT-1 - TT-12 Expands access to the Low Cost Drugs for Maine's Elderly program by providing a benefit for generic drugs and a limit on out-of-pocket expenses in the supplemental component and provides an allocation from the Fund for a Healthy Maine to the Department of Human Services for these costs (Also see Part KK)
- UU UU-1 - UU-2 Provides an allocation from the Fund for a Healthy Maine and a Federal Expenditures Fund allocation to the Department of Human Services for tobacco-related chronic disease prevention services
- VV VV-1 Provides allocations from the Fund for a Healthy Maine for a Drug Court Coordinator position within the Judicial Department (see LD 2014)
- WW WW-1 Transfers \$15,000,000 from the Fund for a Healthy Maine to the General Fund on or before June 30, 2001
- XX XX-1 Reduces the amortization schedule of the retirement system

Appropriations and Financial Affairs

YY	YY-1 - YY-6	Establishes school construction debt service amounts for fiscal years 2001-02 thru 2004-05 and requires the State Board of Education to study the debt service circuit breaker and the State Board and the Department of Education to adopt rules to create a plan to address capital improvement projects (see LD 870)
ZZ	ZZ-1	Requires the Governor to implement performance budgeting for the 2002-2003 biennium
AAA	AAA-1	Requires that proceeds from the sale or lease of the Maine Criminal Justice Academy be deposited in the General Fund
BBB	BBB-1	Provides for the payment of recruitment and retention adjustments for the Director, Bureau of Information Services and the Chief Information Officer
CCC	CCC-1	Amends retirement provisions for certain Department of Corrections employees due to the closing of the Bangor Pre-Release Center
DDD	DDD-1	Provides a working capital advance to establish the Northern Maine Veterans' Cemetery (See LD 2337)
EEE	EEE-1	Provides Federal Expenditures Fund headcount for one Special Education Teacher at the Maine Youth Center (See LD 2598)
FFF	FFF-1 - FFF-3	Establishes the Maine Learning Technology Endowment, creates a Task Force to make recommendations regarding the Endowment and appropriates funds to the Legislature for expenses related to the Task Force
GGG	GGG-1- GGG-4, GGG-7	Establishes the Maine Learning Technology Reserve and details General Fund transfers to the reserve up to a maximum of \$20,000,000 at the end of fiscal year 1999-00
	GGG-5	Authorizes transfer from the Salary Plan in fiscal year 2000-01 for the retroactive payment of approved reclassifications and range changes
	GGG-6	Authorizes the State Controller to keep the accounting system open to make post closing entries and adjustments related to GGG-1:GGG-3
HHH	HHH-1	Provides offsetting Other Special Revenue funds allocations and deallocations to the Department of Environmental Protection for the transfer of a Deputy Commissioner position (see LD 2547)
III	III-1 - III-2	Provides a General Fund deappropriation and Highway Fund deallocation to eliminate a vacant position in the Department of Public Safety
JJJ	JJJ-1	Provides a General Fund appropriation to the Department of Conservation to increase the number of weeks of a Laborer II position

Appropriations and Financial Affairs

KKK	KKK-1 - KKK-2	Increases the allowable interest rate for the University of Maine System in borrowing for capital improvements to support research and development
LLL	LLL-1	Requires that the share of the University of Maine's School of Law's operating budget that is supported by the General Fund be equivalent to the share of the University of Maine System's operating budget that is supported by the General Fund by 6/30/06
MMM	MMM-1 - MM-2	Establishes a grant program for municipalities to retain mature or dominant employers and authorizes a one-time transfer of \$345,000 from the Job Retention Program to DECD's Administration Program to provide funding for the grants
NNN	NNN-1 - NNN-3	Authorizes the Maine Governmental Facilities Authority to issue up to \$33,000,000 for a new psychiatric treatment facility (See LD 271)
OOO	OOO-1 - OOO-2	Requires federal funds received by DMHMR&SAS related to the construction of a new psychiatric treatment facility be deposited in the Maine State Retirement System - Retirement Allowance Fund to reduce the unfunded actuarial liability and requires the department to report on the amount transferred (See LD 271)
PPP	PPP-1 - PPP-2	Establishes the Governor Baxter School for the Deaf Student Trust Fund and authorizes a one-time \$1,000,000 transfer from the Victims' Compensation Fund
QQQ	QQQ-1 - QQQ-2	Increases the cap for compensation from the Victims' Compensation Fund from \$7,500 to \$15,000
RRR	RRR-1	Amends the provisions of the annual financial report of the State
SSS	SSS-1 - SSS-2	Establishes the Maine Biomedical Research Program and provides a \$10,000,000 General Fund appropriation to the Department of Economic and Community Development (see LD 2365)
TTT	TTT-1	Provides General Fund appropriations to DECD for the Forum Francophone and the Maine International Trade Center to support a shared office in Lewiston (see LD 2456)
UUU	UUU-1 - UUU-4	Establishes the Applied Technology Development Center System and provides General Fund appropriations to DECD totaling \$5,500,000 in fiscal year 2000-01 (see LD 2506)
VVV	VVV-1 - VVV-21	Establishes the Maine Microenterprise Initiative and several new economic development programs and provides General Fund appropriations to DECD, the Maine Rural Development Council and the Maine Technical College System for related purposes (see LD 2683)

Appropriations and Financial Affairs

- WWW WWW-1 - Establishes the Maine Patent Program and provides a General Fund
WWW-4 appropriation and an Other Special Revenue funds allocation to the
 University of Maine System for related costs (see LD 2396)
- XXX XXX-1 - Requires the Maine Science and Technology Foundation to conduct an
XXX-4 evaluation of the State's investments in research and development and
 provides a General Fund appropriation for the costs (see LD 2631)
- YYY YYY-1 - Establishes the Maine Poison Center as the official state poison control
YYY-3 center and provides a General Fund appropriation of \$255,000 in fiscal year
 2000-01 for poison control services (see LD 2399)
- ZZZ ZZZ-1 - Implements the recommendations of the Court Unification Task Force and
ZZZ-42 provides a General Fund appropriation to the Judicial Department for related
 expenses (see LD 2563)
- AAAA AAAA-1 - Establishes the Maine Fire Protection Services Commission and provides
AAAA-2 General Fund appropriations totaling \$376,000 in fiscal year 2000-01 for
 various related purposes (see LD 2685)
- BBBB BBBB 1 - Requires several Long Term Care rule amendments and provides General
BBBB-17 Fund appropriations totaling \$5,000,000 to DHS and Federal Expenditures
 Fund allocations to implement the long term care policy changes (see LD 42)
- CCCC CCCC-1 - Increases the reimbursement fee paid to municipal and county law
CCCC-2 enforcement agencies by the court from \$25 to \$50 and provides an Other
 Special Revenue funds allocation from the Law Enforcement Agency
 Reimbursement Fund to support the additional costs (see LD 1251)
- DDDD DDDD-1 Provides a one-time General Fund appropriation in fiscal year 1999-00 to
 the Department of Education toward a principal payment at the Maine
 School of Science and Mathematics (see LD 2393) Not effective due to
 effective date of bill
- EEEE EEEE-1 - Authorizes carrying balances within the Department of Inland Fisheries and
EEEE-2 Wildlife to lapse to the General Fund in FY 2000-01 and includes a General
 Fund appropriation of \$400,000 for automating Inland Fisheries and
 Wildlife's licensing, registration and permit processes
- FFFF FFFF-1 - Establishes Adult Education as a separate program within the Department of
FFFF-2 Education's budget
- GGGG GGGG-1 - Authorizes the Governor Baxter School for the Deaf to carry forward to
GGGG-3 fiscal year 2000-01 up to \$100,000 in the Personal Services line category as
 unallocated General Fund resources to support initiatives for approval and
 improvement of the school

Appropriations and Financial Affairs

- HHHH HHHH-1 - Provides supplemental General Fund appropriations, Federal Expenditures
 HHHH-6 Fund allocations, Other Special Revenue fund allocations, Bureau of
 Revenue Services Fund allocations and Alcoholic Beverage Fund allocations
 in fiscal year 2000-01
- III IIII-1 Provides that certain Inland Fisheries and Wildlife funds lapse to the General
 Fund in fiscal year 2000-01 to offset cost of collective bargaining (Also see
 Part J)
- JJJJ JJJJ-1 Requires the Department of Mental Health, Mental Retardation and
 Substance Abuse Services to seek Medicaid reimbursement for targeted case
 management and administrative costs for deposit in the General Fund (Also
 see Part J-7)
- KKKK KKKK-1 Provides supplemental allocations of Federal Block Grant Funds in fiscal
 year 2000-01

As a result of an August 2000 effective date for this bill, FY 1999-00 appropriations and allocations will not be effective in fiscal year 1999-00 and, consequently, lapse without becoming effective.

PUBLIC 732 An Act to Make Emergency Appropriations or Allocations in Fiscal
EMERGENCY Year 1999-00 only for the Emergency Items

LD 2692

<u>Sponsor(s)</u> TOWNSEND	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 1999, chapter 732 does the following, summarized below by part and section:

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1 A-2 A-3 A-4	Supplemental General Fund Appropriations/Deappropriations Supplemental Federal Expenditures Fund Allocations/Deallocations Supplemental Other Special Revenue funds Allocations/Deallocations Supplemental Alcoholic Beverage Fund Allocations
B	B-1 B-2 B-3 B-4 B-5	General Fund Appropriations for Reclassifications Federal Expenditures Fund Allocations for Reclassifications Other Special Revenue funds Allocations for Reclassifications Federal Block Grant Fund Allocations for Reclassifications Central Motor Pool Allocations for Reclassifications
C	C-1	General Fund Deappropriations to fund Reclassifications
D	D-1	Establishes Legislative intent that unallocated disaster assistance funds may be used as match for claims associated with federally approved disasters in Maine (Also see PL 1999, c. 731, Part I, Section I-1)

Appropriations and Financial Affairs

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| E | E-1 | Authorizes the extension of one limited-period Program Director position at the Governor Baxter School for the Deaf to June 30, 2001 |
| F | F-1 | Implements the modified accrual method of accounting for Corporate Income Tax, Cigarette and Tobacco Tax, Estate Tax and the Real Estate Transfer Tax (Also see PL 1999, c. 731, Part E, Section E-1) |
| | F-2 | Recognizes payments to the Estate Tax Suspense account as General Fund revenue beginning in fiscal year 2000-01 and recognizes the balance in the account at the end of fiscal year 1999-00 as General Fund revenue (Also see PL 1999, c. 731, Part E, Section E-2) |
| G | G-1 | Transfers \$14,662,083 from the Telecommunications Personal Property Tax Reserve to General Fund unappropriated surplus to offset elimination of the prepayment of the tax (Also see PL 1999, c. 731, Part F, Section F-5) |
| H | H-1 - H-3 | Eliminates the prepayment of the Telecommunications Personal Property Tax beginning in fiscal year 1999-00 (Also see PL 1999, c. 731, Part W) |
| I | I-1 | Lapses \$719, 935 to the General Fund equal to the amount reserved for the hospital assessment repealed June 30, 1998 (Also see PL 1999, c. 731, Part EE, Section EE-1) |
| | I-2 | Provides an additional General Fund appropriation to pay for additional claims under the Maine Residents Property Tax Program (Also see PL 1999, c. 731, Part EE, Section EE-2) |

Chapter 732 was enacted as an emergency measure effective April 25, 2000.

PUBLIC 737	An Act to Make Supplemental Allocations for the Expenditures of State Government, Highway Fund, and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001	LD 2534
EMERGENCY		

<u>Sponsor(s)</u> JABAR O'GARA	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1139
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Public Law 1999, chapter 737 was jointly referred to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Transportation and does the following, summarized below by part and section:

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
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Appropriations and Financial Affairs

- A A-1 Supplemental Highway Fund Allocations/Deallocations
- A-2 Supplemental Federal Expenditures Fund Allocations/Deallocations
- A-3 Supplemental Other Special Revenue funds Allocations/Deallocations

- B B-1 Highway Fund Allocations for Reclassifications
- B-2 Federal Expenditures Fund Allocations for Reclassifications
- B-3 Highway Garage Fund Allocations for Reclassifications

- C C-1 Requires DOT to present biennial budgets to improve arterial program to modern design standards within 10 years
- C-2 Authorizes DOT to transfer up to \$2,500,000 in Personal Services Highway Fund savings to the Building Renovations Account

- D D-1 Authorizes the transfer of up to \$4,000,000 in unallocated surplus in the Highway Fund at the end of fiscal year 1999-00 to the Highway and Bridge Improvement program within the Department of Transportation for use in fiscal year 2000-01

- E E-1 Amends the interest rate for lease-purchase contracts administered by the Department of Transportation for the procurement of certain vehicles or equipment

Chapter 737 was enacted as an emergency measure effective April 25, 2000.

PUBLIC 746 An Act to Increase the Number of Domestic Violence Prosecutors LD 2405

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR	OTP-AM	H-876
DAVIS P		S-751 MICHAUD

Public Law 1999, chapter 746 provides a Federal Expenditures Fund allocation for the Department of the Attorney General to establish one Assistant District Attorney General position for Cumberland County to assist in the prosecution of domestic violence cases. It also requires the Attorney General to compile data from domestic violence prosecutors statewide and report on this information annually.

In Addition, Public Law 1999, chapter 746, section A-1 provides a General Fund appropriation to the Department of the Attorney General of \$426,077 in fiscal year 2000-01 for 8 additional Assistant District Attorney positions to prosecute domestic violence cases, five of which were previously funded through Federal Expenditures Fund and Other Special Revenue funds allocations.

PUBLIC 749 An Act to Make Changes to the Maine Rainy Day Fund LD 132

Appropriations and Financial Affairs

<u>Sponsor(s)</u> LAWRENCE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-714
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Public Law 1999, chapter 749 clarifies the manner in which the Maine Rainy Day Fund receives surplus General Fund revenue at the end of each year, clarifying that the Maine Rainy Day Fund transfer is the first priority before any other transfer. Effective July 1, 2003, it also directs investment income that would otherwise accrue to the General Fund when the Maine Rainy Day Fund is at its statutory 6% cap to be transferred to the Retirement Allowance Fund.

PUBLIC 782 An Act to Establish the Dam Repair and Reconstruction Fund and LD 2481
Reconstruct 2 Small Dams in Whiting

<u>Sponsor(s)</u> BAGLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1137 S-760 MICHAUD
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Public Law 1999, chapter 782 provides a General Fund appropriation of \$400,000 on a one-time basis in fiscal year 2000-01 to the Dam Repair and Reconstruction Fund to be administered by the Department of Environmental Protection for repair or reconstruction of dams that are breached and thereby cause a lowering of water levels and that meet the criteria developed by the department. It also transfers the \$400,000 to a dedicated program and allocates \$148,800 on a one-time basis in fiscal year 2000-01 for the reconstruction of 2 dams in Whiting.

PUBLIC 787 An Act to Fund the Construction of Court Facilities in Maine LD 2619

<u>Sponsor(s)</u> PINGREE CAMPBELL	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-757
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Public Law 1999, chapter 787 increases the bonding limit of the Maine Governmental Facilities Authority from \$83,000,000 to \$93,000,000 to provide \$10,000,000 for the construction of court facilities in the state. No issuances will take place until approved by the Legislature.

P & S 72 An Act to Fund the Collective Bargaining Agreements and Benefits LD 2646
EMERGENCY of Employees Covered by Collective Bargaining and for Certain
Employees Excluded from Collective Bargaining

Appropriations and Financial Affairs

<u>Sponsor(s)</u> ROWE LAWRENCE	<u>Committee Report</u>	<u>Amendments Adopted</u> H-916 TOWNSEND
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Private and Special Law 1999, chapter 72 implements the cost items in the collective bargaining agreements reached between the State and the Maine State Troopers Association for employees in the Maine State Police bargaining unit. It provides for a lump sum payment in fiscal year 1999-00 for bargaining unit members, adjusts the salary schedules in fiscal year 1999-00 and 2000-01 for bargaining unit members, provides for the addition of a new step at the top of the salary schedules and the elimination of the lowest step for bargaining unit members and provides for similar and equitable treatment of probationary and other employees in classifications in the bargaining unit.

Part B of chapter 72 authorizes use of the Salary Plan program to fund the collective bargaining agreements and other cost items provided that positions supported from other funds must be funded whenever possible from those other sources and provides for reimbursement to the Department of Administrative and Financial Services for costs incurred in the process of collective bargaining, contract administration and related costs.

Chapter 72 was enacted as an emergency measure effective March 31, 2000.

P & S 78 An Act to Support and Expand the Maine Writing Project LD 2414

<u>Sponsor(s)</u> GREEN CATHCART	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-859
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Private and Special Law 1999, chapter 78 provides a General Fund appropriation of \$5,000 in fiscal year 2000-01 for the University of Maine System to support the Maine Writing Project and to expand the project to teachers in diverse geographic and curriculum areas. This amount will be supplemented by \$4,500 in fiscal year 2000-01 in the form of scholarships provided by the University of Maine System for teachers in the Maine Writing Project.

A General Fund deappropriation of \$5,000 in fiscal year 2000-01 from the Department of Education, Professional Development program is also included to offset the additional funds to support the Maine Writing Project.

P & S 88 An Act to Provide for Safety in the Maine Conservation Corps LD 2367
EMERGENCY

Appropriations and Financial Affairs

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM MAJ	S-568
CARR	ONTP MIN	

Private and Special Law 1999, chapter 88 provides a General Fund appropriation of \$34,052 and \$20,757 in fiscal years 1999-00 and 2000-01, respectively, on a one-time basis for the Department of Labor for safety-related equipment for the Maine Conservation Corps.

Chapter 88 was enacted as an emergency measure effective May 5, 2000.

Appropriations and Financial Affairs

P & S 89 **An Act to Support Maine's Only Representative to the Nation's Capital Bicentennial Celebration** **LD 2630**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUHLIN	ONTP MAJ	S-701 MURRAY
CAMPBELL	OTP-AM MIN	

Private and Special Law 1999, chapter 89 provides a General Fund appropriation of \$10,000 in fiscal year 2000-01 to the Brewer Hometown Band, which will represent the State at the Nation’s Capital Bicentennial Celebration in October. The funds match funds to be raised by the band.

P & S 92 **An Act to Provide Funding to the Maine Center for the Blind and Visually Impaired** **LD 154**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM	H-772
MURRAY		

Private and Special Law 1999, chapter 92 provides a one-time General Fund appropriation of \$45,000 in fiscal year 2000-01 for the Department of Labor to establish an audio information service through the Maine Center for the Blind and Visually Impaired for people who are blind or visually impaired and other people in the State who are unable to access printed information due to a disability. The Department of Labor is also required to submit a report to the joint standing committee of the legislature having jurisdiction over appropriations and financial affairs on the status of the Maine Airs program by February 2, 2001.

P & S 96 **An Act to Ensure Adequate Funding of Adult Education** **LD 2492**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND	OTP-AM	H-848
MICHAUD		S-756 MICHAUD

Private and Special Law 1999, chapter 96 provides a General Fund appropriation of \$78,855 in fiscal year 1999-00 for the Department of Education, Adult Education program to increase the state subsidy for adult education.

Chapter 96 was enacted as an emergency measure effective May 10, 2000.

Appropriations and Financial Affairs

P & S 97

An Act to Help Support the Medical Ride Volunteer Service

LD 2383

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	OTP-AM	S-517 S-750 MICHAUD

Private and Special Law 1999, chapter 97 provides a one-time General Fund appropriation of \$50,000 in fiscal year 2000-01 to the Department of Human Services for direct grants to local area agencies on aging to support the medical ride volunteer service program. This law also provides a deappropriation of \$50,000 in fiscal year 2000-01 from the Purchased Social Services program within the Department of Human Services to transfer available funds to the medical ride volunteer service program.

P & S 99

An Act to Protect and Enhance the United States Naval Shipyard in Kittery, Maine

LD 2611

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE WHEELER G	OTP-AM	S-616 S-796 MICHAUD

Private and Special Law 1999, chapter 99 provides a General Fund appropriation of \$50,000 to the Department of Economic and Community Development for the Southern Maine Economic Development District to match an anticipated federal grant of \$50,000 in fiscal year 2000-01 to evaluate the United States Naval Shipyard in Kittery, Maine to determine the potential use by private sector industries for nondefense-related projects. The funds will lapse to the General Fund if the federal grant is not received.

A General Fund appropriation of \$200,000 is also included in fiscal year 2000-01 for the Department of the Attorney General to meet legal costs related to legal proceedings concerning the location of the United States Naval Shipyard in Kittery. The Department of the Attorney General is also required to report to the joint standing committee of the legislature having jurisdiction over appropriations and financial affairs each December 31st concerning expenses incurred in the contingent account.

P & S 100

An Act to Appropriate Funding for the Maine School of Science and Mathematics for Fiscal Year 1999-00

LD 2393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL PARADIS	OTP-AM	H-1180 TOWNSEND

Private and Special Law 1999, chapter 100 provides a one-time General Fund appropriation of \$171,000 in fiscal year 1999-00 to the Department of Education to be applied toward a principal payment remaining on a \$3,000,000 dormitory at the Maine School of Science and Mathematics.

Appropriations and Financial Affairs

Chapter 100 was enacted as an emergency measure effective May 18, 2000.

**RESOLVE 105 Resolve, to Promote Maine's Dairy Industry
EMERGENCY**

LD 2402

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM MAJ	H-858
MILLS	ONTP MIN	S-562 KILKELLY

Resolve 1999, chapter 105 allocates \$30,000 from the Maine Dairy Stabilization Fund on a one-time basis in fiscal year 1999-00 to the Maine Milk Commission for outreach efforts through the Maine Dairy Industry Association to assess the interest of the State's dairy farmers in forming a cooperative association. It also requires the Maine Dairy Industry Association 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 agriculture matters by November 1, 2000 on the interest of the state dairy farmers to form a cooperative association.

Chapter 105 was enacted as an emergency measure effective April 10, 2000.

**RESOLVE 119 Resolve, to Ensure Adequate District Court Facilities for Western
York County**

LD 2497

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM	S-556
MCALEVEY		S-707 MICHAUD

Resolve 1999, chapter 119 authorizes the Maine Governmental Facilities Authority to issue additional securities in its own name in the amount of \$1,200,000 on or after July 1, 2001 to replace the Springvale District Court.

**RESOLVE 120 Resolve, to Ensure Adequate Funding for the Lewiston District
Court**

LD 2609

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE	OTP-AM	S-561
MENDROS		S-708 MICHAUD

Resolve 1999, chapter 120 authorizes the Maine Governmental Facilities Authority to issue additional securities in its own name in the amount of \$2,000,000 on or after July 1, 2001 to replace the Lewiston District Court.

Appropriations and Financial Affairs

RESOLVE 132 **Resolve, to Establish the Task Force to Reduce the Burden of Home**
EMERGENCY **Heating Costs on Low-income Households**

LD 2343

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY R MICHAUD	OTP-AM	H-841 S-773 MICHAUD

Resolve 1999, chapter 132 establishes the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households and provides a General Fund appropriation of \$2,180 in fiscal year 2000-01 for the Legislature for the expenses of the task force.

Chapter 132 was finally passed as an emergency measure effective May 10, 2000.

Banking and Insurance

PUBLIC 538 An Act Relating to Certain Commercial Insurance Contracts

LD 2264

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-472
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Public Law 1999, chapter 538 clarifies that a large commercial policyholder must continue to satisfy the \$50,000 premium threshold for property and casualty insurance after January 1, 2003 in order to qualify for reduced regulation of large commercial insurance policies by the Bureau of Insurance.

Public Law 1999, chapter 538 applies retroactively to September 18, 1999.

**PUBLIC 539 An Act to Realign Capital Requirements for Specialty Bank
Charters**

LD 2283

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 1999, chapter 539 makes the minimum capital required for merchant banks consistent with the requirement for other bank charters.

**PUBLIC 546 An Act to Amend the Maine Banking Code Pertaining to
EMERGENCY Interlocking Directors**

LD 2259

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-477
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Public Law 1999, chapter 546 amends the law prohibiting interlocking directors on the boards of more than one financial institution to allow an individual to serve on the board of a limited purpose bank and a traditional financial institution or credit union with a waiver from the Superintendent of Banking.

Public Law 1999, chapter 546 was enacted as an emergency effective March 6, 2000.

Banking and Insurance

PUBLIC 553 An Act to Permit Certain Referrals by Health Care Practitioners
EMERGENCY

LD 2225

<u>Sponsor(s)</u> SAXL M	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-786
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Public Law 1999, chapter 553 removes the prohibition on a health care practitioner from referring a patient to another facility in which that practitioner holds a financial interest to allow a practitioner to refer patients to another health care practitioner in a group practice or health care facility in which the referring practitioner has invested when there is a demonstrated need for the facility in the community.

Public Law 1999, chapter 533 was enacted as an emergency effective March 15, 2000.

PUBLIC 560 An Act to Regulate Nonprofit Debt Management Service Providers
EMERGENCY

LD 2263

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-493
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Public Law 1999, chapter 560 requires the registration and regulation of nonprofit debt management service providers by the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. For-profit organizations that provide debt management services are prohibited. Nonprofit debt management service providers provide services on a voluntary basis to consumers to restructure their consumer credit obligations and to revise their terms of repayment, often by securing debt-restructuring agreements with creditors.

Public Law 1999, chapter 560 requires that consumer funds be deposited in a trust account and be paid over to creditors on the consumer's behalf within 15 days of receipt of the funds. It prohibits debt management service providers from performing debt management services for a consumer unless the services are provided pursuant to a written agreement with the consumer. Debt management service providers are also prohibited from purchasing debt, providing credit to consumers, operating as a debt collector, obtaining a mortgage or other security interest in a consumer's property and structuring agreements that would result in negative amortization of a consumer's obligations to creditors.

Public Law 1999, chapter 560 was enacted as an emergency effective March 15, 2000.

Banking and Insurance

PUBLIC 590 **An Act to Prevent Misuse of Mortuary Trust Funds**
EMERGENCY

LD 2373

<u>Sponsor(s)</u> GOLDTHWAIT STANWOOD	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-521
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Public Law 1999, chapter 590 changes the laws governing mortuary trust funds.

1. It requires that if money is paid by check, share draft or money order under a prearranged funeral or burial plan, the funeral director must instruct the individual making the payment to make the instrument payable to the financial institution into which the funds are to be deposited and to include the names of the funeral director as mortuary trustee and the person for whose benefit the payment is made on the check, share draft or money order.
2. It requires that prearranged funeral and burial plan agreements state the name of the financial institution into which the money is to be deposited and directs the individual establishing the plan to send a copy of the agreement to that financial institution.
3. It to requires the funeral director or mortuary trustee to keep complete records, including the name and address of the financial institution or credit union where the funds are currently deposited.
4. It requires that funds may only be transferred to another institution or directed to the person who established the fund.
5. It requires that funds may be withdrawn by the mortuary trustee only upon presentation of a certified copy of the death certificate of the person for whose benefit the funds were paid.

Public Law 1999, chapter 590 was enacted as an emergency effective March 28, 2000.

PUBLIC 609 **An Act to Update and Amend the Preferred Provider Arrangement Act**

LD 2029

<u>Sponsor(s)</u> SAXL J ABROMSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-860
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Public Law 1999, chapter 609 makes changes to the laws governing preferred provider arrangements to make them more consistent with the laws governing health maintenance organizations. A preferred provider arrangement is a contract, agreement or arrangement between a health insurance carrier or administrator and a provider in which the provider agrees to provide health care services to a health plan enrollee whose plan benefits include incentives, typically a discount, for the enrollee to use the services of that provider. Because of the similarities between a preferred provider arrangement (PPA) and a health maintenance organization (HMO),

Banking and Insurance

Public Law 1999, chapter 609 standardizes the reporting and filing requirements for PPAs and HMOs and makes the definitions consistent with those used in the Maine Revised Statutes, Title 24-A, chapter 56.

Public Law 1999, chapter 609 also makes the accessibility standards for PPAs consistent with the standards for HMOs. It clarifies the information that PPAs must file with the Superintendent of Insurance to be registered in the State. It requires administrators of preferred provider arrangements who transfer funds, manage funds or adjust claims to register as insurance administrators. The law requires that carriers offering more than one health plan with different provider networks must register each arrangement or provider network as a separate PPA with the Superintendent of Insurance. Finally, the law makes the rules adopted pursuant to the Health Plan Improvement Act, Maine Revised Statutes, Title 24-A, chapter 56-A, applicable to PPAs.

Public Law 1999, chapter 609 also enacts a new subchapter regulating downstream risk arrangements. Under a downstream risk arrangement, providers enter into arrangements with carriers that transfer all or part of the financial risk from a carrier's health plan to the provider. The law requires that downstream risk arrangements be licensed or expressly permitted by the Superintendent unless the arrangements meet certain criteria under which a downstream entity may operate without licensure or obtain a waiver from the Superintendent. Downstream risk arrangements between a carrier and a downstream entity may operate without licensure if the arrangements do not involve substantial insurance risk or substantial enrollee risk and the arrangements meet specific contractual and disclosure requirements. Substantial insurance risk is defined as risk based on the use or costs of referral services only when the downstream entity is at risk for more than 75% of potential payments by the carrier to the downstream entity. Substantial enrollee risk is defined as an arrangement with a downstream entity involving more than 25% of the enrollees served by the carrier. Downstream risk arrangements that exceed the risk threshold for insurance risk or enrollee risk may request and receive a waiver from licensure from the Superintendent. The waiver request must include a plan for managing financial exposure sufficient to quantify in dollars per quarter and per annum all elements of downstream risk to be assumed by the downstream entity.

**PUBLIC 656 An Act to Harmonize State Financial Services Laws with Federal
EMERGENCY Law**

LD 2574

<u>Sponsor(s)</u> LAFOUNTAIN SAXL J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-589
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Public Law 1999, chapter 656 exempts federally chartered and state-chartered financial institutions and credit unions that are subject to supervision and examination by their respective chartering authorities from the Charitable Solicitations Act.

Public Law 1999, chapter 656 also permits mutual property and casualty or health insurance companies to reorganize through the formation of a mutual holding company in response to the federal Financial Services Modernization Act of 1999. Unless a state's laws authorize mutual insurers to transfer their domicile to another state and reorganize as a stock insurance company owned by a mutual holding company, the federal law will preempt state insurance laws for this type of reorganization. Since Maine law did not previously authorize mutual insurers domiciled in the State to adopt the mutual holding company structure, Public Law 1999, chapter 656 ends the federal preemption.

Banking and Insurance

Public Law 1999, chapter 656 was enacted as an emergency effective April 10, 2000.

PUBLIC 663 An Act to Clarify Underinsured Motor Vehicle Coverage
EMERGENCY

LD 2043

<u>Sponsor(s)</u> LAFOUNTAIN SAXL J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-572
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Public Law 1999, chapter 663 amends the statutory provisions governing underinsured vehicle coverage in situations when more than one person is injured in a motor vehicle accident involving an underinsured motor vehicle. In these situations, the law requires that the amount of underinsured vehicle coverage available to the injured person is determined by subtracting any payments actually made to the injured person under the motor vehicle liability insurance policy applicable to the particular owner or operator of the underinsured motor vehicle from the injured person's, operator's or owner's underinsured vehicle coverage policy limits if applicable to that person. The amount of recovery must also be reduced by the amount by which the policy limits of the motor vehicle liability insurance policy covering the underinsured motor vehicle exceed the total payments made under the policy to the injured person.

Public Law 1999, chapter 663 also clarifies the provision in Public Law 1999, chapter 271 requiring that the uninsured motor vehicle coverage limits of a motor vehicle insurance policy equal the amount of liability coverage under the policy unless lower amounts of coverage are expressly rejected. Public Law 1999, chapter 663 makes clear that this requirement applies to personal motor vehicle insurance coverage and not to commercial coverage. It prescribes the manner and time frame in which purchasers of personal motor vehicle insurance coverage may reject equal amounts of coverage and specifies the language that must be included in the rejection form provided to purchasers by insurers. Finally, Public Law 1999, chapter 663 delays the implementation of the requirement for equal amounts of coverage for uninsured coverage and liability coverage to all personal motor vehicle liability insurance policies issued or renewed on or after October 1, 2000.

Public Law 1999, chapter 663 was enacted as an emergency effective April 11, 2000.

PUBLIC 715 An Act to Amend Investment-related Provisions of the Maine
Insurance Code

LD 2520

<u>Sponsor(s)</u> LAFOUNTAIN SULLIVAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-663
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Public Law 1999, chapter 715 rewrites certain provisions of the Maine Insurance Code relating to permissible investments of life and health insurers, including investments in affiliates, foreign investments, encumbrance of securities and limits on both mortgage loans and the use of derivative investments. The new provisions are based on the Investment of Insurers Model Act developed by the National Association of Insurance Commissioners. The law clarifies that the changes to definitions and additional definitions apply only to life and

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health insurers. The definitions in current law are retained without changes as they apply to property and casualty insurers.

The law authorizes life and health insurers and property and casualty insurers to invest in depository institution subsidiaries to the extent allowed under federal law.

Public Law 1999, chapter 715 also amends the provision governing insurance company transactions with affiliates to address a conflict with the insurance company holding law. The law makes the holding company law the exclusive source of regulation of transactions with affiliates.

PUBLIC 742 An Act to Establish a Patient's Bill of Rights

LD 750

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J	OTP-AM A	H-1061
LAFOUNTAIN	OTP-AM B	H-1165 SAXL J
	OTP-AM C	

Public Law 1999, chapter 742 establishes additional requirements for health plans and managed care plans offered in this State and provides additional protections for health plan and managed care enrollees.

The law does the following.

1. It requires all managed care plans to provide reasonable access to providers in accordance with the access standards of Bureau of Insurance Rule Chapter 850.
2. It prohibits carriers offering managed care plans from using financial incentives for participating providers to deny, reduce, withhold, limit or delay specific medically appropriate health care services to enrollees.
3. It requires carriers to provide services requested by enrollees who are deaf or hard-of-hearing or visually impaired during the internal and external review processes.
4. It requires carriers to establish policies to allow enrollees with special conditions to receive standing referrals to specialists.
5. It requires carriers to provide continuity of care to enrollees undergoing a course of treatment when the enrollee's provider is terminated as a participating provider by the carrier or the enrollee's coverage changes to another carrier.
6. It requires coverage of emergency services by carriers in accordance with the requirements of Bureau of Insurance Rule Chapter 850.
7. It requires that carriers provide coverage of routine patient costs for qualified enrollees with life-threatening illnesses that participate in clinical trials. The provision requires carriers to provide coverage for those costs not reasonably expected to be paid for by the sponsors of an approved clinical trial. Approved clinical trials are defined as clinical research studies and clinical investigations approved and funded by the National

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Institutes of Health. This provision applies to all policies and contracts issued or renewed on or after January 1, 2001.

8. It requires carriers that provide coverage of prescription drugs through a drug formulary to ensure the participation of physicians and pharmacists in the development of the formulary and to provide exceptions to formulary limitations when a nonformulary drug is medically indicated. The provision also prohibits carriers from denying coverage of a prescribed drug or device on the basis that the use of the drug or device is investigational if the intended use of the drug or device is included in the labeling authorized by the federal Food and Drug Administration or if the use is recognized in one of the standard reference compendia or in peer-reviewed medical literature. This provision applies to all policies and contracts issued or renewed on or after January 1, 2001.
9. It creates a process for the independent external review of adverse health care treatment decisions. The provision allows an enrollee in a health plan to request external review after the enrollee has exhausted all levels of a carrier's internal grievance procedure or has met the requirements for expedited review. An enrollee must request the review in writing within 12 months of the date an enrollee has received a final adverse health care treatment decision under the internal grievance procedure. The adverse health care treatment decisions that may be reviewed are those decisions that involve issues of medical necessity, preexisting condition determinations and determinations regarding experimental or investigational services or decisions regarding diagnosis, care and treatment when medical services are provided by a health plan. The external review decision will be made by an independent review organization under contract with the Department of Professional and Financial Regulation, Bureau of Insurance. The external review decision is binding on the carrier but not on the enrollee.
10. It gives enrollees the right to sue carriers. The provision creates a statutory cause of action by an enrollee against a carrier offering a health plan or its agents for harm to an enrollee proximately caused by the failure of a carrier to exercise ordinary care when making health care treatment decisions affecting the quality of care, diagnosis or treatment provided to an enrollee. An enrollee must exhaust the internal and external review processes before bringing a cause of action and must initiate the action within 3 years after the earlier of the issuance of an external review decision or the issuance of an underlying adverse first-level appeal or grievance determination notice. The right-to-sue provision allows an enrollee to recover actual damages and limits the recovery of noneconomic damages to a maximum of \$400,000. The recovery of punitive damages is precluded. The provision gives carriers an affirmative defense that the carriers or its agents did not influence, participate in or control the health care treatment decision. The provision also makes the cause of action the sole and exclusive remedy against a carrier except for statutory causes of action under the Maine Insurance Code. It also allows a cause of action to be brought seeking remedies under either the right-to-sue provision or under the wrongful death statute, but not both.

PASSED

**JOINT ORDER – Relative to the Joint Select Committee to Study
the Creation of a Public/Private Purchasing Alliance to Ensure
Access to Health Care for all Maine Citizens**

HP 1857

Sponsor(s)
SAXL J
ABROMSON

Committee Report

Amendments Adopted
S-720 PINGREE

Banking and Insurance

Joint Order HP 1857, establishes a joint select committee to study the creation of a public/private purchasing alliance to ensure access to health care for all Maine citizens. The select committee consists of 13 members and is charged with studying the public policy, regulatory and legislative issues related to the creation of a public/private purchasing alliance. The joint order requires the select committee to submit a report, along with any recommended legislation, by December 1, 2000.

PASSED **JOINT ORDER – Relative to the Joint Select Committee on** **HP 1864**
School-based Health Care Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER		S-721 PINGREE

Joint Order HP 1864, establishes a joint select committee to study school-based health services. The select committee consists of 5 members and is charged with studying the current funding sources for school-based health services, including the ability of school-based health centers to receive insurance reimbursement from 3rd party payors. The select committee is required to submit a report, along with any recommended legislation, to the Legislature by December 1, 2000.

Business and Economic Development

PUBLIC 574 **An Act to Repeal the Nondiscrimination in Pharmaceuticals Pricing Law** **LD 2344**

<u>Sponsor(s)</u> BRUNO	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 574 repeals the Maine Revised Statutes, Title 32, chapter 117, subchapter 10 of the Maine Pharmacy Act, which requires unitary pricing of pharmaceuticals.

PUBLIC 606 **An Act to Provide Equity Between Private and Public Electrical Training Programs** **LD 2266**

<u>Sponsor(s)</u> GAGNE DAGGETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-846
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Public Law 1999, chapter 606 allows an apprenticeship program that is registered by the Maine Department of Labor to have a maximum of 12 helper or apprentice electricians under direct supervision of a master electrician while making electrical installations, as long as the total value of each installation does not exceed \$5,000.

PUBLIC 607 **An Act to Clarify the Authority of the State Board of Optometry** **LD 2359**
EMERGENCY

<u>Sponsor(s)</u> KONTOS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-527
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Public Law 1999, chapter 607 authorizes the State Board of Optometry to hire clerical personnel subject to the Civil Service Law.

Public Law 1999, chapter 607 was enacted as an emergency measure effective March 31, 2000.

PUBLIC 608 **An Act to Amend the Charter of the Maine Science and Technology Foundation** **LD 2279**

<u>Sponsor(s)</u> KONTOS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-526
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Public Law 1999, chapter 608 moves administration for the small business innovation research program to the Maine Technology Institute. It directs joint administration of the Maine Experimental Program to Stimulate

Business and Economic Development

Competitive Research by the Maine Science and Technology Foundation, the University of Maine and the Maine EPSCoR steering committee. It changes appointments to the board of the Maine Science and Technology Foundation to 3-year terms. It requires the Maine Science and Technology Foundation to manage an interactive web-based clearinghouse of science and technology information.

PUBLIC 612 **An Act to Provide Flexibility in the Distribution of Funds by the** **LD 2441**
Department of Economic and Community Development

<u>Sponsor(s)</u> O'NEAL MACKINNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-884
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Public Law 1999, chapter 612 removes the requirement that funds in the Community Industrial Buildings Fund be distributed to separate rural and urban accounts. It also removes the responsibility of marketing and promoting community buildings from the Department of Economic and Community Development.

PUBLIC 617 **An Act Concerning Disclosure Requirements Under the Used Car** **LD 2395**
EMERGENCY **Information Laws**

<u>Sponsor(s)</u> SAXL M	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-880
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Public Law 1999, chapter 617 amends the used car information laws to provide that collision damage must be disclosed to consumers if the cost of repairing the damage exceeds \$2,000. It also amends the Automobile Insurance Cancellation Control Act by permitting an insurer to choose not to renew a personal automobile insurance policy when a named insured or other person insured under the policy is individually or aggregately involved in two or more vehicle accidents while operating a motor vehicle insured under the policy resulting in either personal injury or property damage in excess of the amount defined as a reportable accident in the Motor Vehicle Code. These amendments were necessary to correct indirect results of PL 1999, chapter 61 which amended the Motor Vehicle Code by increasing the monetary amount of property damage for which a motor vehicle accident must be reported.

Public Law 1999, chapter 617 was enacted as an emergency measure and approved on April 3, 2000 to take effect 30 days later.

Business and Economic Development

PUBLIC 619 An Act to Clarify the Law on Ownership of Certified Public Accounting Firms and to Establish a Peer Review Program

LD 2444

<u>Sponsor(s)</u> WINSOR KONTOS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-879
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Public Law 1999, chapter 619 establishes a peer review program for certified public accountancy firms that provide a defined service other than compilations. Chapter 619 also amends the certified public accountancy firm ownership law to correct internal inconsistencies that were created by the enactment of Public Law 1999, chapter 200. Public Law 1999, chapter 200 allowed accounting firms with a minority of nonlicensed owners to apply for a firm permit to practice. However, all members of professional service corporations and limited liability companies must be members of the same profession, pursuant to the Professional Service Corporation Act (13 MRSA §710) and the Limited Liability Company law (31 MRSA §611), respectively. Chapter 619 clarifies that CPA firms may have minority ownership by non-CPAs notwithstanding the Limited Liability Company law and the Professional Service Corporation Act. Chapter 619 also clarifies that a firm may not use a title that indicates that the firm is composed of certified accountants unless the firm holds a valid firm permit and a simple majority of all partners, officers, shareholders, members or managers of the firm hold certificates.

PUBLIC 620 An Act to Amend the Acreage Requirements for a Cemetery to Contain a Columbarium

LD 2560

<u>Sponsor(s)</u> SULLIVAN LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-926
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Public Law 1999, chapter 620 reduces the number of acres from 20 to 5 that a cemetery must have in order to erect a columbarium.

PUBLIC 627 An Act to Enhance Competition Among Elevator Inspectors

LD 2570

<u>Sponsor(s)</u> SAXL M KONTOS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 627 prohibits a person who is licensed as an elevator and lift inspector from inspecting any equipment that person has installed, serviced or sold within the preceding 12-month period.

Business and Economic Development

**PUBLIC 661 An Act to Amend the Program Evaluation Report Contents of the
State Government Evaluation Act**

LD 2640

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Public Law 1999, chapter 661 implements a recommendation of the Task Force to Study the Effect of Government Regulation on Small Businesses. It adds a requirement that each agency or program under a State Government Evaluation Act review:

1. Identify how the agency works with other state and federal agencies to coordinate services and eliminate redundant and overlapping requirements; and
2. Compare federal laws and regulations to state laws and rules implemented by the agency.

PUBLIC 685 An Act Relating to Licensing Board Fees

LD 2388

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-613
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Public Law 1999, chapter 685 makes the following changes to various occupational licensing board statutes:

1. It increases the fee cap on physician and physician assistant license renewal;
2. It increases the license fee caps for the Board of Funeral Service, the Oil and Solid Fuel Board, the State Board of Certification of Geologists and Soil Scientists, the State Board of Alcohol and Drug Counselors, the Maine Athletic Commission and athletic trainers;
3. It authorizes the Director of the Office Licensing and Registration within the Department of Professional and Financial Regulation to set fees by rule for the Board of Funeral Service, the Oil and Solid Fuel Board, the State Board of Certification of Geologists and Soil Scientists, the State Board of Alcohol and Drug Counselors, the Maine Athletic Commission and the Board of Licensure of Podiatric Medicine;
4. It establishes a fee cap for transient sellers of consumer goods and door-to-door home repair transient sellers;
5. It increases the gate tax for the Maine Athletic Commission; and
6. It changes the renewal cycle from biennial to annual for the State Board of Alcohol and Drug Counselors and adjusts the mandatory continuing education hours for renewal to correspond with the change in the renewal cycle.

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PUBLIC 687 An Act to Improve the Regulation of Occupations and Professions

LD 2558

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-593
	ONTP MIN	

Public Law 1999, chapter 687 enacts the recommendations of the Commissioner of Professional and Financial Regulation to the Joint Standing Committee on Business and Economic Development, pursuant to the report required by Public Law 1999, chapter 16, Part L as follows:

1. It revises the State Government Evaluation Act to remove board-by-board sunset review by the committee of jurisdiction. Individual boards will be reviewed as part of the Department of Professional and Financial Regulation, Office of Licensing and Registration.
2. It standardizes, at \$35 dollars per day, the per diem compensation rate for board members of boards within the Department of Professional and Financial Regulation and two boards affiliated with the department. New professional and occupational regulatory boards are limited to a maximum of 9 members, including 2 public members.
3. It allows for the sharing of confidential information with the affiliated boards, and it allows for license recognition between states.
4. It maintains the provisions of current law that require separate dedicated revenue accounts for each board, commission and regulatory program, as well as the requirement that these boards, commissions and programs be self-supporting. It also authorizes the Director of the Office of Licensing and Registration to establish fees for each program through rulemaking, subject to the individual fee caps established by the Legislature, and to establish a uniform policy with respect to late renewals.
5. It allows application review to be performed by staff of the Office of Licensing and Registration in accordance with criteria established by statute or through rules adopted by a board or commission.
6. It amends individual board statutes. Title 10 is amended to remove a requirement that all Manufactured Housing Board licensees receive personal notice of all meetings and hearings and copies of rules. Title 32 is amended to allow the Board of Boilers and Pressure Vessels to extend an inspection certificate beyond 14 months and provisions that govern when inspections of boilers and pressure vessels must be performed are amended. The number of board members on the Board for Licensure of Architects, Landscape Architects and Interior Designers; the Radiologic Technology Board of Examiners; the Board of Counseling Professionals Licensure; and the Board of Barbering and Cosmetology is reduced to 9. Physician members are removed from the Board of Hearing Aid Dealers and Fitters, the Board of Examiners on Pathology and Audiology and the Radiologic Technology Board of Examiners.
7. It provides for an allocation for one Health Board Investigator position and one Manufactured Housing Board Field Inspector position.

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**PUBLIC 692 An Act to Require Warranty Certification for Snowmobiles and
All-terrain Vehicles**

LD 2610

<u>Sponsor(s)</u> CAMPBELL FERGUSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-988
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Public Law 1999, chapter 692 requires that a person who registers a new snowmobile or ATV provide proof that the vehicle has been registered with the manufacturer of the snowmobile or ATV for warranty protection and safety or recall notices.

**PUBLIC 725 An Act to Clarify the Enforcement Authority of the Manufactured
EMERGENCY Housing Board**

LD 2650

<u>Sponsor(s)</u> LAWRENCE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-649
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Public Law 1999, chapter 725 permits the Manufactured Housing Board to enforce the preemption provisions of the Maine Revised Statutes, Title 10, section 9042, subsection 3 against municipalities and allows a more expansive private right of action in favor of those adversely affected by a violation of the manufactured housing law. It also clarifies the role of municipal code enforcement officers regarding the inspection of new manufactured housing for violations of the manufactured housing law and the rules adopted pursuant to that law. Finally, it provides the Manufactured Housing Board with the authority to review denials of applications for certificates of occupancy in certain limited situations and authorizes the Manufactured Housing Board to issue certificates of occupancy.

Public Law 1999, chapter 725 was enacted as an emergency measure effective April 14, 2000.

**PUBLIC 728 An Act to Improve Oversight and Accountability of Student Loan
Programs Funded with an Allocation of the State Ceiling on Private
Activity Tax-exempt Bonds**

LD 2684

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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Public Law 1999, chapter 728 addresses state oversight of student loan programs funded through allocation of the state ceiling on private activity tax-exempt bonds.

The law makes the following changes to the process and structure of the group that recommends allocations of the state ceiling to the Legislature:

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1. It adds the Commissioner of Economic and Community Development or the Commissioner's designee as a non-voting member and provides that the State Treasurer will no longer be a voting member of the bond cap allocation group;
2. It requires that any allocation of the state ceiling must be done with the written agreement of 4 of the 5 voting members of the bond cap allocation group;
3. It requires that the State Planning Office conduct an annual analysis related to the allocation of the state ceiling;
4. It requires that recipients of an allocation provide annual audited financial statements and demonstrate the benefits of their programs to the Legislature;
5. It clarifies that any further allocation or reallocation of the state ceiling from one eligible issuer to another issuer must be done with the agreement of 4 or 5 members of the bond cap allocation group; and
6. It makes the meetings and records of the bond cap allocation group subject to the freedom of access laws.

Public Law 1999, chapter 728 prohibits interlocking directors between the Finance Authority of Maine (FAME), the Maine Educational Loan Authority (MELA) and the Maine Educational Loan Marketing Corporation (MELMAC). The law requires that MELMAC and MELA use FAME as its sole guarantor for student loan notes acquired through an allocation of the state ceiling on private activity tax-exempt bonds. The law prohibits MELMAC from originating student loans or extending credit for the purpose of originating student loans. It also prohibits MELMAC from discriminating against financial institutions or credit unions authorized to do business in this state with respect to the acquisition of student loans.

The law adds 4 public members to the MELMAC board to be appointed by the Governor and confirmed by the Legislature. The law makes MELMAC's books and records subject to the freedom of access laws and requires MELMAC to use competitive bidding for its loan servicing and administrative contracts. It also requires that MELMAC demonstrate that its use of bond proceeds is consistent with a public purpose and submit copies of its IRS returns and filings to the Attorney General and the Legislature on an annual basis.

In the event that MELMAC fails to comply with the statutory requirements included in Public Law 1999, chapter 728, the law gives the Governor the authority to request that one or more state agencies acquire student loan notes on the secondary market in place of MELMAC.

Public Law 1999, chapter 728 also clarifies that MELA has statutory authority to issue supplemental education loans only. It requires that MELA use competitive bidding for its administrative and clerical services contracts. It replaces the MELMAC president as a member of the MELA board with a member representing the technical college system that will be appointed by the Governor and also provides that the Treasurer of State will no longer be a voting member of the MELA board. The law requires MELA to provide public notice of its activities and demonstrate that its use of bond proceeds is consistent with a public purpose.

The law requires that the MELA board conduct a study and recommend whether or not to move the functions of MELA to FAME to the First Regular Session of the 120th Legislature.

Public Law 1999, chapter 728 removes language authorizing FAME to administer the Loans to Lenders Program.

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Finally, Public Law 1999, chapter 728 clarifies that the law is not intended to impair any outstanding bond obligations or contracts of MELMAC or MELA or adversely impact the exclusion from gross income of interest on outstanding tax-exempt bonds previously issued by MELMAC or MELA.

PUBLIC 762 **An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy** **LD 2557**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1050 COLWELL S-632

Public Law 1999, chapter 762 implements the recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. It directs the Bureau of Revenue Services and the Department of Professional and Financial Regulation to submit, by January 20, 2001, reports on the budgetary impact of their acceptance of credit cards. It requires state departments and agencies to implement procedures for accepting payment by major credit cards or other electronic means by July 1, 2001. It enacts the Uniform Electronic Transactions Act and the Maine Digital Signature Act. It also authorizes the Blue Ribbon Commission to Establish a Comprehensive Internet Policy to meet to conclude its work following the conclusion of the Second Regular Session of the 119th Legislature.

PUBLIC 766 **An Act to Amend the Franchise Law** **LD 1931**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-554 S-787 MICHAUD

Public Law 1999, chapter 766 amends certain provisions of the law pertaining to automobile manufacturers and dealers. It adds an additional action that is considered to be an unfair method of competition and deceptive practice. It puts certain limits on a franchisor's ability to exercise a right of first refusal. It adds a corporate affiliate of a manufacturer, distributor or wholesaler to the list that cannot offer discounts without making the same offer to all dealers in the market area. Finally, it establishes the Commission to Study the Most Effective Method of Providing Retail Rate Reimbursement for Parts and Labor.

Public Law 1999, chapter 766, section 4 (study commission), was enacted as an emergency measure effective May 8, 2000.

Business and Economic Development

PUBLIC 783 An Act to Support Child Care Education and Services

LD 2505

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-580 S-782 MICHAUD

Public Law 1999, chapter 783 amends both the Quality Child Care Education Scholarship Fund and the Educators for Maine Program. It allows Quality Child Care Education Scholarships to be distributed to students in courses at institutions that have articulated agreements with accredited institutions of higher education. It makes the following changes to the Educators for Maine Program:

1. It resolves a conflict in the program as it was amended by PL 1999, chapter 401, Pt. 000, §6 and chapter 441, §6;
2. It establishes program loan limits for child development students; and
3. It specifies return service requirements for child development students.

Chapter 783 also directs the Department of Human Services to develop a list of quality childcare sites in the State.

Note: \$145,356 was allocated to the Quality Child Care Education Scholarship Fund in the Part II Budget, PL 1999, chapter 731, Part NN.

**P & S 82 An Act to Provide for the Year 2000 Allocations of the State Ceiling
EMERGENCY on Private Activity Bonds**

LD 2578

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP-AM MAJ	S-658
O'NEAL	OTP-AM MIN	

Private and Special Law 1999, chapter 82 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar year 2000 and makes partial allocations of the state ceiling for calendar year 2001 among the state-level issuers of tax-exempt bonds. Under federal law, a maximum of \$150,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year.

The law also reallocates \$10,000,000 of the state ceiling for calendar year 1999 previously allocated by Public Law 1999, chapter 443 to the Finance Authority of Maine to the Maine Educational Loan Authority.

Private & Special Law 1999, chapter 82 was enacted as an emergency measure effective April 14, 2000.

Business and Economic Development

RESOLVE 99 Resolve, to Promote Natural Resource-based Industries

LD 1665

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY DUNLAP	OTP-AM	S-549

Resolve 1999, chapter 99 directs the State Planning Office to develop a report that:

1. Proposes ways to ensure that state resources dedicated to natural resource-based industries are equitable with state resources dedicated to other business development;
2. Analyzes the current needs of the workforce for natural resource-based industries and the education programs that service this workforce;
3. Proposes new education programs that will encourage individuals to enter into the fishing, farming and forestry industry; and
4. Identifies barriers to and opportunities for natural resource-based industries.

The report will be submitted to the Joint Standing Committee of the Legislature having jurisdiction over business and economic development matters by January 1, 2001.

**RESOLVE 136 Resolve, to Establish the Commission to Study Ownership Patterns
in Maine**

LD 2535

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE PINGREE	OTP-AM	H-1184 O'NEAL H-932

Resolve 1999, chapter 136 establishes the Commission to Study Ownership Patterns in Maine. The commission is directed to investigate the current patterns of in-state, out-of-state and international ownership of Maine businesses and to study the feasibility of an employee ownership feasibility program. The Commission will be staffed by the State Planning Office.

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PUBLIC 536 An Act Relating to the Crime of Murder and to the Murder of Children

LD 474

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON AHEARNE	OTP-AM	S-511

Public Law 1999, chapter 536 requires that in the first step of the sentencing process to determine the base sentence for a person convicted of murder, attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child, the court assign special weight to the objective fact that the victim had not in fact attained 6 years of age. Public Law 1999, chapter 536 also requires that the court, in the 2nd step of the sentencing process for attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years or the 2nd and final step of the sentencing process for murder of a child who had not in fact attained the age of 6 years, assign special weight to any subjective victim impact. Finally, Public Law 1999, chapter 536 requires that, in determining the final sentence for attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years, the court may not suspend that portion of the sentence that is based on the objective or subjective victim impact as determined in steps one and 2 of the sentencing process. These new directives to the court may not be construed to restrict the court in setting the term of imprisonment from considering the age of the victim in other circumstances when relevant.

PUBLIC 583 An Act to Amend the Department of Corrections Statutes

LD 2315

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY	OTP-AM	S-512

Public Law 1999, chapter 583 amends the Department of Corrections laws to reflect institutional restructuring. Public Law 1999, chapter 583 clarifies the relationship between the Department of Corrections confidentiality statute and other confidentiality provisions in law and incorporates Department of Corrections reporting requirements that were part of the recommendations of the Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services, pursuant to Resolve 1997, chapter 124.

PUBLIC 595 An Act to Promote Sharing of Information Between Schools and Criminal Justice Agencies

LD 1933

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	OTP-AM MAJ OTP-AM MIN	S-522

Public Law 1999, chapter 595 authorizes schools to disseminate education records of preadjudicated juveniles to criminal justice agencies or agencies that by court order or agreement of the juvenile are responsible for the

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health or welfare of the juvenile. The education records may be disseminated only if the records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation. Education records received are confidential and may not be further disseminated, except to the court or as otherwise provided by law. The persons to whom the education records are disseminated shall certify in writing to the school that the records will not be disclosed to any other party, except the court or as otherwise provided by law, without the written consent of the juvenile or the juvenile's parent or guardian.

PUBLIC 624 An Act to Amend the Maine Juvenile Code

LD 2447

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-885 S-591 MURRAY
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Public Law 1999, chapter 624 does the following:

1. Expands the time for a juvenile detention court hearing from 24 hours to 48 hours following a placement in detention except that hearings for juveniles being held in a jail or other secure adult-serving detention facility must be held within 24 hours;
2. Eliminates the ability of adult-serving jails to detain juveniles other than for 6 hours on an emergency basis unless a jail is located in a rural area, in which case the jail may detain a juvenile for up to 24 hours;
3. Requires that shock sentences for juveniles be served concurrently with any other period of detention previously imposed and not fully discharged or imposed on the same date;
4. Clarifies and updates the cross-references to the Maine Revised Statutes, Title 17-A probation provisions;
5. Adds provisions that are needed for proper implementation of a juvenile drug treatment court program; and
6. Changes references from "juvenile caseworker" to "juvenile community corrections officer" as well as makes several other technical changes to ensure conformity and consistency in terms.

PUBLIC 630 An Act to Amend the Law Enforcement Officer Certification Standards

LD 637

<u>Sponsor(s)</u> MURRAY MCALEVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-578
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Public Law 1999, chapter 630 repeals the provision that required the Board of Trustees of the Maine Criminal Justice Academy to adopt major substantive rules identifying the permissible duties of part-time law enforcement officers. In LD 2628, Resolve, Regarding Legislative Review of Chapter 6: Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy, the board

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conditionally adopted a rule regarding part-time law enforcement officers, but the Joint Standing Committee on Criminal Justice did not authorize adoption of the rule. See Resolve 1999, chapter 103.

PUBLIC 644 An Act to Expand the Warrantless Arrest Law and to Establish the LD 454
Crime of Obstructing the Report of a Crime or Injury

<u>Sponsor(s)</u> MUSE DOUGLASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-921
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Public Law 1999, chapter 644 expands the warrantless arrest law to include criminal threatening, terrorizing, stalking, criminal mischief and obstructing the report of a crime or injury if the officer reasonably believes that the person and the victim are family or household members. Public Law 1999, chapter 644 also creates the Class D crime of obstructing the report of a crime or injury. A person is guilty of obstructing the report of a crime or injury if that person intentionally, knowingly or recklessly disconnects, damages, disables, removes or uses physical force or intimidation to block access to a telephone, radio or other electronic communication device with the intent to obstruct, prevent or interfere with another person's report to a law enforcement agency or request for an ambulance or emergency medical assistance to a governmental agency, hospital, physician or other medical service provider.

PUBLIC 652 An Act to Enhance Public Safety By Updating the Laws Pertaining LD 2479
to Explosives and Flammable Liquids

<u>Sponsor(s)</u> MCALEVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-986
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Public Law 1999, chapter 652 amends the laws pertaining to explosives and flammable liquids in the following ways:

1. Clarifies new provisions of law pertaining to the regulation of explosives and flammable liquids, including the permitting procedure; grounds for revocation, suspension and denial of permits; fees; and penalties;
2. Makes Maine law consistent with federal law by specifying that permitting provisions in the Maine Revised Statutes, Title 25, chapter 318 do not apply to a person who possesses, uses, stores or transports within the State 50 pounds or less of smokeless powder or black powder or 10,000 or fewer primers;
3. Repeals an outdated law pertaining to smoking in certain buildings and public places;
4. Repeals an outdated reference to obtaining a search warrant for explosives;
5. Repeals an outdated law allowing a representative of the Commissioner of Public Safety to be reimbursed for mileage costs while escorting shipments of explosives over the road;

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6. Repeals certain laws pertaining to gas-fueled appliances; and
7. Corrects cross-references in the Maine Revised Statutes.

PUBLIC 653 An Act to Allow the State Police to Accept Funds from Private Entities for Services Provided LD 2449

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-828
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Public Law 1999, chapter 653 authorizes the State Police to provide services for public safety purposes only to private entities. The State Police may be reimbursed for providing these services, and revenue collected must be allocated for the purpose of funding the cost of providing the services. Public Law 1999, chapter 653 requires the State Police to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters and repeals the authority of the State Police to provide services to entities on July 30, 2002.

PUBLIC 671 An Act to Promote the Safe Conduct of Fireworks Displays in the State of Maine LD 2466

<u>Sponsor(s)</u> MCALEVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1031
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Public Law 1999, chapter 671 adds definitions to clarify the regulation of fireworks and special-effect pyrotechnics; establishes procedures for obtaining a fireworks display permit; and establishes grounds and procedures for revocation, suspension and denial of fireworks display permits and fireworks technician licenses.

PUBLIC 682 An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy LD 546

<u>Sponsor(s)</u> PIEH PINGREE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1016
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Public Law 1999, chapter 682 exempts municipal shellfish conservation wardens and harbor masters from the basic law enforcement training requirements under the Maine Revised Statutes, Title 25, section 2804-C. In addition to any other training that may be required by law, municipal shellfish conservation wardens and harbor masters who wish to make arrests or carry a firearm must successfully complete only the preservice law

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enforcement training requirements under Title 25, section 2804-B and the in-service law enforcement training requirements under Title 25, section 2804-E.

PUBLIC 703 An Act to Amend the Felony-operating-under-the-influence Laws LD 2406

<u>Sponsor(s)</u> JABAR	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-810
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Public Law 1999, chapter 703 makes it a Class C crime to operate a motor vehicle under the influence of intoxicating liquor or drugs if a person has a prior conviction for a Class C crime under the aggravated punishment category of criminal OUI or if the person has a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood alcohol content of 0.08% or more.

PUBLIC 719 An Act to Implement the Recommendations of the Commission to LD 2673
EMERGENCY Propose an Alternative Process for Forensic Examinations for
Sexual Assault Victims

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u> S-674 MICHAUD
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Public Law 1999, chapter 719 implements the recommendations of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims, which was established pursuant to Resolve 1999, chapter 84. The legislation was submitted by the Joint Standing Committee on Criminal Justice. Public Law 1999, Chapter 719 outlines the responsibilities of the Victims' Compensation Board, hospitals and health care practitioners and law enforcement agencies in regards to forensic examinations of alleged victims of gross sexual assault.

Public Law 1999, chapter 719 requires the Victims' Compensation Board to pay for all forensic examinations conducted on or after November 1, 2000 from the Victims' Compensation Fund and to track expenditures for forensic examinations separately. The board shall determine by rule what a forensic examination may include for purposes of payment. An examination must include at least all services directly related to the gathering of forensic evidence and related testing and treatment for pregnancy and sexually transmitted diseases. Forensic examination payments are not subject to any other provision of the victims' compensation program and are not considered payments to victims for purposes of the cap.

Public Law 1999, chapter 719 directs the Department of Public Safety to determine by rule what a standardized forensic examination kit includes and to furnish the kits to hospitals and health care practitioners who perform forensic examinations of alleged victims of gross sexual assault.

A hospital or health care practitioner that completes a forensic examination shall bill the Victims' Compensation Board directly for payment. The board shall pay the hospital or health care practitioner the actual costs of the examination up to a maximum of \$500. Hospitals and health care practitioners performing forensic

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examinations shall use uniform kits developed and furnished by the Department of Public Safety. A victim is not required to report the alleged offense to law enforcement in order for the board to pay for the examination. If an alleged victim of gross sexual assault has a forensic examination but has not reported the alleged offense to a law enforcement agency when the examination is complete, the hospital or health care practitioner that completed the forensic examination shall notify the nearest law enforcement agency. That law enforcement agency shall transport the completed kit, identified only by a tracking number assigned by the hospital or health care practitioner, to its evidence storage facility and shall store the kit for at least 90 days from the time of receipt. If the victim reports the offense during the 90 days, the victim may contact the hospital or health care practitioner to determine the tracking number and which law enforcement agency is storing the kit. The law enforcement agency then shall transport the kit to the Maine State Police Crime Laboratory. If the victim reports the alleged offense to a law enforcement agency by the time the examination is complete, the investigating law enforcement agency shall transport the kit directly to the Maine State Police Crime Laboratory.

Public Law 1999, chapter 719 also requires district attorneys to pay the expense of the analysis of a drug or alcohol test performed as part of the forensic examination to obtain evidence for the prosecution.

Public Law 1999, chapter 719 was enacted as an emergency measure effective April 14, 2000, in order to give the Victims' Compensation Board and the Department of Public Safety time to adopt the rules required under this Act and so that payment for all forensic examinations for alleged victims of gross sexual assault conducted on or after November 1, 2000 will be made by the Victims' Compensation Board.

PUBLIC 764 An Act to Require Completion of an Ambulance Operator Course

LD 678

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL KONTOS	OTP-AM	H-888 H-1173 TOWNSEND

Public Law 1999, chapter 764 requires that by January 1, 2003, all persons whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course or a course that has been approved by the Emergency Medical Services' Board as an equivalent. Public Law 1999, chapter 764 specifies that a person whose job description includes operating an ambulance in an emergency mode or transporting a patient who successfully completes a basic ambulance vehicle operator course may apply to the Emergency Services' Board for reimbursement for the cost of the course.

Public Law 1999, chapter 764 directs the Department of Public Safety, Maine Emergency Medical Services to set up a pilot project to develop a plan for implementation of the ambulance operator training requirements and report to the joint standing committee of the Legislature having jurisdiction over public safety matters by January 1, 2001. The committee may introduce legislation following receipt of the report. Public Law 1999, chapter 764 creates a one-time appropriation of funds for a consultant for the pilot project.

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PUBLIC 767 **An Act to Protect the Citizens of Maine from the Dangers of**
EMERGENCY **Counterfeit Consumer Goods**

LD 2174

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY FISHER	OTP-AM	S-612 S-781 MICHAUD

Public Law 1999, chapter 767 amends provisions dealing with deceptive business practices under the fraud provisions of the Maine Criminal Code. Public Law 1999, chapter 767 specifies that "mislabelled" for the purposes of the deceptive business practices law includes counterfeiting or unauthorized reproducing of a trademark.

Public Law 1999, chapter 767 adds to the deceptive business practices law a seizure provision that specifies that any item that bears marks in violation of that law or any property that was used in or can be connected to the violation is contraband and may be seized by a law enforcement officer.

Public Law 1999, chapter 767 was enacted as an emergency measure effective May 8, 2000.

PUBLIC 788 **An Act to Implement the Recommendations of the 118th Legislative**
Joint Select Committee to Implement a Program for the Control,
Care and Treatment of Sexually Violent Predators

LD 308

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY THOMPSON	OTP-AM	S-621

Public Law 1999, chapter 788 comprises the unanimous statutory recommendations of the Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators, created by Joint Order, House Paper 1653, 118th Maine Legislature. The complete recommendations and background information are contained in the Select Committee's final report.

Public Law 1999, chapter 788 makes a number of changes to the current punishment provisions in the Maine Criminal Code, Part III in an effort to allow courts to deal more effectively with the dangerous sexual offender. These changes provide for longer terms of imprisonment, longer periods of probation and the imposition of supervised release when a term of imprisonment expires.

Public Law 1999, chapter 788 defines what is meant by "dangerous sexual offender." The definition targets those sexual offenders who commit a new gross sexual assault under the Maine Revised Statutes, Title 17-A, section 253 after having been previously convicted and sentenced for a serious sexual assault. Because prior intervention of the criminal justice system has failed to deter the offender and because the offender's own repetitive criminal behavior currently serves as the most accurate indicator of future dangerousness, the new sentencing options are consistent with the "just deserts" philosophy of the Maine Criminal Code and serve primarily to enhance public safety through restraint and post-release management. Public Law 1999, chapter 788 makes 4 changes respecting punishment for the dangerous sexual offender.

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First, Title 17-A, section 1252, subsection 4-B removes the current ceiling for terms of imprisonment for the “dangerous sexual offender.” A court is authorized to impose a straight term of imprisonment or a split term of imprisonment of “any term of years.”

Second, Title 17-A, section 1202, subsection 1-A removes the current probation period caps for the “dangerous sexual offender.” A court is authorized to impose a period of probation of “any term of years.”

Third, Title 17-A, chapter 50 proposes a new post-release mechanism identified as “supervised release.” Supervised release is used in conjunction with the imposition of a straight term of imprisonment and is modeled to some degree upon federal law regarding supervised release (see 18 U.S.C. §3583). A term of supervised release of “any term of years” may be imposed by a court at the time of imposing a straight term of imprisonment. Sanctioning for a violation of a supervised release operates like sanctioning for a violation of probation. As with probation, the sanction imposed upon revocation is intended to sanction the violator for failing to abide by the court-ordered conditions. Even in the context of new criminal conduct, the violator is sanctioned for the breach of trust, leaving the actual punishment for any new underlying criminal conduct to the court ultimately responsible for imposing punishment for that new crime.

Fourth, Title 17-A, section 1203, subsection 1 is replaced with subsection 1-A to allow a court to revoke probation if, during the initial unsuspended portion of the term of imprisonment, a person sentenced as a “dangerous sexual offender” refuses to actively participate in a sex offender treatment program, in accordance with the expectations and judgment of the treatment providers, when requested to do so by the Department of Corrections. By virtue of new Title 17-A, section 1233, supervised release may be revoked by a court before the completion of the straight term of imprisonment.

Finally, Public Law 1999, chapter 788 provides for the inclusion of a period of supervised release after imprisonment for any person convicted of a Title 17-A, section 253 offense. Unlike the dangerous sexual offender group, however, the length of the period authorized depends upon the class of the gross sexual assault for which the person is convicted (up to 10 years for a Class A section 253 violation and up to 6 years for a Class B or Class C section 253 violation). Additionally, as is true of the dangerous sexual offender group, the time of additional imprisonment to serve may equal all or part of the period of supervised release with no credit being given for any time actually served on supervised release, but may not exceed 1/3 of the straight term of imprisonment imposed.

P & S 85

**An Act Concerning the Formation of the Central Maine Regional
Public Safety Communication Center**

LD 2196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-945 H-980 POVICH

Private and Special Law 1999, chapter 85 establishes the Central Maine Regional Public Safety Communication Center to provide the governmental function of emergency communication services to participating state, county and municipal entities in the central Maine region. The following agencies and municipalities may participate in the establishment of the center: the Maine State Police, the Kennebec County Sheriff’s office and the municipalities of Gardiner, Augusta, Waterville, Winslow and Oakland.

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Private and Special Law 1999, chapter 85 establishes the center as a body corporate and politic with a governing council and a board of directors to establish policy and to provide administrative oversight.

Private and Special Law 1999, chapter 85 also provides that the initial staff of the center must be selected from within the pool of current dispatch employees employed by any municipality or agency that joins the center. Private and Special Law 1999, chapter 85 also provides that the rights and obligations of any municipality or agency that joins the center that arise out of an existing collective bargaining agreement to which it is a party may not be abrogated by the creation of the center and requires the center to bargain with any local union selected by the employees that is entitled to recognition as the collective bargaining agent.

Private and Special Law 1999, chapter 85 specifies that the Central Maine Regional Public Safety Communication Center takes effect only when 2 or more eligible municipalities or agencies agree to participate.

RESOLVE 103 Resolve, Regarding Legislative Review of Chapter 6: Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy LD 2628

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-943
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Resolve 1999, chapter 103 specifies that final adoption of Chapter 6: Certification of Law Enforcement Officers, a provisionally adopted major substantive rule of the Maine Criminal Justice Academy regarding part-time law enforcement officers, is not authorized.

RESOLVE 123 Resolve, to Create a Seamless Treatment Plan for the Juvenile LD 629
EMERGENCY Offender with Substance Abuse Problems

<u>Sponsor(s)</u> BAKER MURRAY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-851 S-743 MICHAUD
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Resolve 1999, chapter 123 directs the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to continue to develop a comprehensive substance abuse treatment program for juveniles. The program must include uniform clinical assessment and treatment for all juveniles committed to a juvenile correctional facility, 4 regional treatment networks, a targeted expansion program and 5 juvenile drug treatment courts. The program also must facilitate participation of the juvenile and the juvenile's family, provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion.

Resolve 1999, chapter 123 requires the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to prepare and present a proposal to implement and fund a comprehensive substance abuse treatment program for juveniles to the joint

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standing committee having jurisdiction over juvenile justice matters by December 6, 2000. The proposal must include a plan to make annual reports to the joint standing committee having jurisdiction over juvenile justice matters regarding the progress of juvenile substance abuse treatment programs.

Resolve 1999, chapter 123 was finally passed as an emergency measure effective May 8, 2000.

RESOLVE 126 Resolve, to Establish the Commission to Study Domestic Violence
EMERGENCY

LD 2651

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MITCHELL B	OTP-AM	H-1017 S-779 MICHAUD

Resolve 1999, chapter 126 establishes the Commission to Study Domestic Violence. The commission's duties include determining methods to: alleviate domestic violence through better communication among the courts, law enforcement and other government agencies; create stricter bail and probation conditions; and provide improved procedures for the investigation and prosecution of domestic violence cases. The commission is required to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters for consideration in the Second Regular Session of the 120th Legislature, and that committee may submit a bill to the Second Regular Session of the 120th Legislature to implement the commission's recommendations.

Resolve 1999, chapter 126 was finally passed as an emergency measure effective May 8, 2000.

Education and Cultural Affairs

PUBLIC 569 **An Act to Amend the Qualifying Examination for Initial Teacher Certification** **LD 2387**

<u>Sponsor(s)</u> BERUBE	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 569 replaces the core battery of the national teachers exam with a different basic skills test. The law provides that an individual needs to pass this test in order to become fully certified as a teacher in Maine.

PUBLIC 573 **An Act to Make Organizational Changes in the Maine State Cultural Affairs Council** **LD 2291**
EMERGENCY

<u>Sponsor(s)</u> ROWE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-825
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Public Law 1999, chapter 573 adds representatives of the Maine Humanities Council, the Maine Historical Society and the Archives Advisory Board to the membership of the Maine State Cultural Affairs Council. The law also creates the New Century Program Fund to be used to implement the Maine Communities in the New Century Program established last year to enhance preservation of local cultural resources. Finally, chapter 573 designates the Maine State Cultural Affairs Council as the entity responsible for administering the fund on behalf of all state cultural agencies.

Public Law 1999, chapter 573 was enacted as an emergency measure effective March 22, 2000.

PUBLIC 621 **An Act to Improve the Accountability of the Child Development Services System** **LD 2636**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 1999, chapter 621 requires the Department of Education, in collaboration with boards of directors of the regional sites in the Child Development Services System, to provide for an annual fiscal and compliance audit of the sites, including review of decisions to hire site staff. The bill also requires site boards of directors to consult with regional provider advisory boards prior to hiring site staff and to provide documentation of the need for hiring such staff.

Education and Cultural Affairs

PUBLIC 669 An Act to Require the Training of School Personnel Who Administer Medications

LD 1261

<u>Sponsor(s)</u> PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-634
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Public Law 1999, chapter 669 requires public and approved private schools to develop written local policies and procedures for administering medication by the start of the 2001-02 school year; local policies must include a requirement that all unlicensed personnel who administer medications receive training before they are authorized to do so. The law also adds these requirements to the standards for basic school approval; and requires the Commissioner of Education to adopt or amend rules for the administration of medication to students in public or approved private schools based on the training model and the training manual developed by the School Health Advisory Committee.

PUBLIC 673 An Act to Establish a Targeted Need Teacher Certificate

LD 2301

<u>Sponsor(s)</u> BERUBE	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-610
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Public Law 1999, chapter 673 creates a new certificate authorizing a person to teach in an area determined to be a "teacher shortage area," which the Department of Education would issue only when certain criteria are met and special circumstances exist. The law also directs the State Board of Education to develop rules to implement this new certificate and designates these rules as "major substantive" rules subject to legislative review.

PUBLIC 683 An Act to Encourage Educational Options

LD 2027

<u>Sponsor(s)</u> POWERS AMERO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1020
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Public Law 1999, chapter 683 makes several changes in current law to encourage public school alternative education programs. The Commissioner of Education is directed to require public school alliances to set consistent standards for regional public school choice programs. Shared service agreements between schools are encouraged to include alternative education programs and alternative education is established in law as a component of secondary technical education programs. The commissioner is also directed to take steps to encourage school-based management decision-making. Finally, chapter 683 establishes a stakeholders group chosen by the commissioner to study the feasibility of the State applying for grant funds under the federal charter schools legislation.

Education and Cultural Affairs

**PUBLIC 706 An Act to Implement Recommendations of the Joint Standing
Committee on Education and Cultural Affairs Relating to the
Review of the State Cultural and Other Agencies under the State
Government Evaluation Act**

LD 2661

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 1999, chapter 706 implements the recommendations made by the Joint Standing Committee on Education and Cultural Affairs as a result of the committee's review of state cultural agencies and other agencies under the State Government Evaluation Act. The law:

1. Repeals the law establishing the Maine Conservation School; the school will continue as a nonprofit corporation operating under general Maine law;
2. Reduces the term of members of the Maine State Museum Commission from 6 years to 4 years, establishes a 2-term limit for members and provides for the transition from the old law to the new law;
3. Repeals obsolete provisions and enacts an updated law governing the qualifications, appointment and duties of the State Historian;
4. Increases from \$40,000 to \$50,000 the cap on Percent for Art Program projects for public schools that elect to participate in the program; and
5. Provides for a separate annual budget line for the Maine Humanities Council.

**PUBLIC 710 An Act to Improve the School Administrative District and
Community School District Budget Development and Approval
Process**

LD 1346

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS	OTP-AM MAJ ONTP MIN	H-1079

Public Law 1999, chapter 710 establishes an optional new school budget format and budget approval process for use by school administrative districts and community school districts. The new options replace format and approval options that are available under current law and that will no longer be available for adoption, but, if in place, may continue to be used. No district will be required to adopt either the new cost center summary budget format or budget validation referendum approval process. However, after the effective date of this Act, if a district wishes to change the format or process it currently uses, the new options will be the only alternatives available. Both the budget format and the budget referendum approval process may be adopted by the voters of the district at referendum. In certain circumstances, the new format may also be adopted by the local school

Education and Cultural Affairs

board on its own initiative. The cost center summary budget format may be adopted separately or the new format and the referendum approval process may be adopted together to complement each other.

The new optional budget format presents budgeted expenditures in 6 standard areas and budgeted revenues in 3 standard areas, each with accompanying plain language explanations. There is also an overall summary expenditure item and explanation. The 9 cost centers and summary under the new budget format form the basis for the budget warrant articles that are submitted to district voters for approval annually. The amendment authorizes school boards to transfer up to 5% of the school budget between budget cost centers without voter approval.

The new optional budget approval process allows district voters to add a second step to the process for finalization of the school budget. If the new process is adopted by voters, after initial approval of the district budget at a district budget meeting, the total budget approved must be submitted to the voters of the district for final validation at a district referendum within 3 days of the district budget meeting. If the voters reject the budget at referendum, another budget must be considered at a district budget meeting at least 10 days after the referendum. The budget adopted at the subsequent district budget meeting must then be submitted to the voters for validation in a separate referendum vote within 3 days of the second approval. The process is repeated until a final budget is approved at a district budget meeting and validated at referendum.

The State Board of Education is directed to develop a model comprehensive school budget approval procedure that maximizes local collaboration among school officials, municipal officers and the public in developing and approving school budgets and encourages school administrative units to adopt the procedure as local school policy. The state board is also required to study the new cost center summary budget format and budget validation referendum process and to report back to the joint standing committee of the Legislature having jurisdiction over education matters by January 31, 2004. In the interim, the Department of Education is directed to monitor the impact of the new law and to report annually to the committee on its effect, and the Department of Education and the State Board of Education are charged with the responsibility of developing a system to provide assistance to school administrative units wishing or attempting to implement the law.

**PUBLIC 721 An Act to Extend the Use of Emotional Disability as an Indicator in
the Identification of Exceptional Children**

LD 2593

Sponsor(s)

Committee Report
OTP

Amendments Adopted

Public Law 1999, chapter 721 extends to June 30, 2002 the use of emotional disability as an identifying factor in the identification of exceptional children from birth to 9 years of age. The law also directs the Department of Education to study the impact of the use of emotional and behavioral indicators and the likely impact of the use of developmental delay categories in the identification of exceptional children.

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**PUBLIC 748 An Act to Implement Recommendations Concerning Protection of
Indian Archaeological Sites**

LD 2549

<u>Sponsor(s)</u> SOCTOMAH		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-763 MICHAUD
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Public Law 1999, chapter 748 provides increased protection for archaeological sites by amending the laws governing these sites in the following ways.

1. It amends the definition of an archaeological site on state-controlled land to include a site judged eligible for listing on the National Register of Historic Places by the Maine Historic Preservation Commission and approved by the appropriate land managing agency director or local governing body. Current law requires the site to be listed on the National Register of Historic Places.
2. It makes the unlawful excavation of a protected archaeological site a Class E crime for which a fine of not less than \$250 must be adjudged. It provides that the court may order the defendant to pay an amount equal to the reasonable cost of a proper archaeological excavation had the area that was unlawfully excavated been properly excavated. Current law provides that unlawful excavation is a civil violation for which a forfeiture of not less than \$50 must be adjudged.
3. It provides that an emergency archaeological site designation may be made for a period not to exceed 10 years and that the Director of the Maine Historic Preservation Commission and the landowner shall specify in writing the area that is the subject of such a designation.
4. It provides one-time funding for increased monitoring of archaeological sites. This funding supports a part-time monitoring coordinator using existing part-time project personnel and site monitors. It also provides funds for the development and delivery of training materials for law enforcement officers.

**PUBLIC 770 An Act to Improve Educational Programming at Juvenile
EMERGENCY Correctional Facilities**

LD 2608

<u>Sponsor(s)</u> BRENNAN BERUBE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-956 S-777 MICHAUD
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Public Law 1999, chapter 770 requires juvenile correctional educational programs and schools to receive basic school approval by the Department of Education on an annual basis. The law also adds the chairpersons of the joint standing committee of the Legislature having jurisdiction over education matters as voting, ex officio members of the policy review council and requires the policy review council to meet at least four times a year and to submit a report each year to the Legislature. The law establishes a task force to study educational programs at juvenile correctional facilities, including the best methods of delivering educational services to students at these educational programs. The task force shall submit its report and any legislation necessary to the 120th Legislature by November 1, 2000.

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Public Law 1999, chapter 770 was enacted as an emergency measure effective May 8, 2000.

PUBLIC 774 An Act to Clarify the Tuition Waiver Program for Persons Who Resided in Foster Care as Children LD 2657

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u> H-1073 BRENNAN
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Public Law 1999, chapter 774 eliminates the unmet need provisions of the tuition waiver program for foster children and clarifies that 25 new foster children are eligible for a tuition waiver in each year. The law also requires that the state postsecondary educational institutions affiliated with the University of Maine System, the Maine Maritime Academy and the Maine Technical College System shall absorb the reduction in tuition revenues that results from providing a tuition waiver to an eligible person under the tuition waiver program for students who resided in foster care as children. The law further specifies that these institutions may not request additional General Fund appropriations from the Legislature to offset the reduction in tuition revenues.

PUBLIC 775 An Act to Implement the Recommendations of the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf LD 2690

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 1999, chapter 775 implements several recommendations of the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf. The law makes several changes to the governance system and the educational programs of the Baxter School, including providing the school board of the Baxter School with greater budget flexibility in operating the school, altering the composition and appointment process of the school board and making a number of transition provisions over the next two years to grant the school board greater autonomy from state government in governing and operating the programs of the school.

The law clarifies that the school board is authorized to operate satellite school programs. The law also establishes a limit on the number of students enrolled in the residential program at Mackworth Island for the next 2 years; and creates an administrative mechanism to allow the superintendent of the school to request a waiver of the residential enrollment limit from the commissioner on a case-by-case basis. The law further provides that, beginning with the 2002-03 school year, the school board must establish a satellite school program that offers an array of educational programs.

In addition, the law requires the school board to make provisions for a needs assessment to determine the educational needs of deaf and hard-of-hearing students in all geographic areas of the State. The needs assessment team will also make recommendations on the continued need for a limit on enrollment for the residential program on Mackworth Island and the enrollment capacity of the residential program at both Mackworth Island and any satellite program established by the school board. The needs assessment will be conducted by a team appointed by the State Board of Education; and the school board will provide a preliminary

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report of the results of the needs assessment to the Legislature by February 1, 2001. The final report is due to the Legislature by February 1, 2002.

PUBLIC 781 An Act to Establish and Fund Conflict Resolution Programs in the LD 1305
Public Schools

<u>Sponsor(s)</u> WATSON LONGLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1005 S-746 MICHAUD
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Public Law 1999, chapter 781 implements one of the recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The law directs the Department of Education to provide technical assistance to schools in developing violence prevention and intervention training for educators, staff and students that emphasizes conflict resolution education, peer mediation and early identification and response to signs of violence. The law also provides a one-time appropriation of \$50,000 to establish a grant program to be administered by the Department of Education to support the establishment of conflict resolution and peer mediation programs in schools.

PUBLIC 785 An Act to Establish the Council on Children and Families and to LD 2679
EMERGENCY Ensure the Continuation of the Governor's Children's Cabinet

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u> S-780 MICHAUD
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Public Law 1999, chapter 785 establishes the Council on Children and Families to advise the Governor, certain state departments, the Legislature and the Judiciary regarding the following goals: to encourage a coordinated system of education and services for children and families, to evaluate the allocation of resources, to promote coordinated budgets and policy, to evaluate program effectiveness and to promote an informal information exchange. This law also ensures the continuation of the Governor's Children's Cabinet by codifying the cabinet in statute and endorsing the expectation of interdepartmental program coordination and the use of so-called "pooled-flexible funds" to provide integrated programs and services to children and families.

Public Law 1999, chapter 785 was enacted as an emergency measure effective May 10, 2000.

PUBLIC 789 An Act to Improve School Safety and Learning Environments LD 870

<u>Sponsor(s)</u> LAWRENCE SAXL M	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1102 STANLEY H-1190 TOWNSEND S-657
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Public Law 1999, chapter 789 directs the State Board of Education and the Department of Education to conduct a study and create a plan to address the needs for improved and new school facilities for those school facility projects beyond Project #22 of the school facility projects on the current major capital improvement priority list. The State Board of Education and the Department of Education plan will be presented to the 120th Legislature no later than January 15, 2001 and must include a review of the rules related to the protected status of projects in the current 2-year rating cycle, a review of the debt service limits and consideration of a "hold harmless" provision related to actions taken by local school administrative units to remediate existing Priority I health or safety issues as defined by Department of Education rules.

The law also appropriates an additional \$1,000,000 from the General Fund as a one-time appropriation to further capitalize the School Renovation Fund for the purpose of addressing existing health, safety and compliance deficiencies in public school facilities across the State. In order to improve school safety and learning environments, the law allows a municipality to expend funds held in its ministerial trust for school construction or renovation if the expenditure is approved by voters of the municipality.

**PUBLIC 791 An Act to Provide Funding for Background Checks and
Fingerprinting for School District Employees**

LD 2490

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B	OTP-AM MAJ	S-474
MENDROS	OTP-AM MIN	S-801 MURRAY

Public Law 1999, chapter 791 provides that the State shall pay for the criminal history record check required for any person regularly employed in a public school during the 1999-2000 school year who requires Department of Education certification, authorization or approval to continue in that person's position. The law specifies that national criminal history record checks for educational personnel need to be conducted only once unless a person has not been continuously employed in a position requiring certification, authorization or approval. A person who has a break in employment service, other than school vacations, must submit to a national criminal history record check at the time of the renewal of the certification, authorization or approval.

The law further provides a 5-year phase-in period for those school personnel who are in the approval category to permit compliance in the remaining timeframe; and also postpones fingerprinting for substitutes and contracted services providers until the 2001-02 school year to allow the Department of Education to collect data on the number of affected individuals who are employed by school administrative units in the State.

The law also specifies that the State will provide reimbursement for any person, organization, school administrative unit or school who has already paid for the fingerprinting and criminal history record check. The law further requires that the State Bureau of Identification may not use the fingerprints of educational personnel for any other purpose than employment screening as provided in the Maine Revised Statutes, Title 20-A, section 6103. Public Law 1999, chapter 791 was enacted as an emergency measure effective May 18, 2000.

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P & S 64 **An Act to Provide Degree-granting Authority to the SALT Institute for Documentary Field Studies** **LD 2260**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE SAXL M	OTP-AM	S-476

Private and Special Law 1999, chapter 64 grants degree-granting authority to the SALT Institute for Documentary Field Studies in Portland.

P & S 65 **An Act to Increase the Bonding Limit of the Trustees of the City of Brewer High School District from \$2,500,000 to \$5,000,000** **LD 2320**
EMERGENCY

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

Private and Special Law 1999, chapter 65 increases the debt limit of the City of Brewer High School District from \$2,500,000 to \$5,000,000 subject to approval at referendum by the voters of the City of Brewer.

Private and Special Law 1999, Chapter 65 was enacted as an emergency measure effective March 14, 2000.

P & S 79 **An Act to Authorize School Administrative Units to Utilize Alternative Delivery Methods for a Limited Range and Number of School Construction Projects, Including the use of an Owner's Representative for Certain School Construction Projects** **LD 2311**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM	H-1036 CAMERON S-623

Private and Special Law 1999, chapter 79 provides for a 5-year pilot program for use of design-build, construction-manager-advisor and construction-manager-at-risk methods and requires the use of an owner's representative for school construction projects with total costs of \$10,000,000 or more during the 5-year pilot program period. The law also allows the Department of Education to file for the final adoption of the major substantive rule for Chapter 64: Maine School Facilities Finance Program and School Revolving Renovation Fund, as amended by Resolve 1999, chapter 14 during the First Regular Session of the 119th Legislature.

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P & S 83

An Act to Allow the Towns of Wells and Ogunquit to Withdraw from Their Community School District

LD 1725

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE WHEELER G	OTP-AM MAJ ONTP MIN	S-531

Private and Special Law 1999, chapter 83 changes the current formula for distribution of the costs for kindergarten through grade 12 education within the Wells-Ogunquit Community School District. As currently provided by law, the educational costs of that school district are apportioned between the 2 towns based entirely on relative property valuation. The amendment provides for a phased-in change beginning in fiscal year 2000-01 that will result after 3 years in a sharing of costs based 2/3 on relative property valuation and 1/3 on relative student population of the towns. After fiscal year 2002-03, the costs will continue to be shared 2/3 based on property valuation and 1/3 based on student population unless each town approves an alternative sharing arrangement by majority vote.

RESOLVE 128 Resolve, to Improve Access to Technical Education and Ensure a Skilled Work Force

LD 2519

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE ROWE	OTP	S-769 MICHAUD

Resolve 1999, chapter 128 provides that the Maine Technical College System shall attempt to increase its system-wide enrollment to 10,000 students during the two biennia by authorizing the technical colleges to attempt to enroll 1,000 newly matriculated students system-wide over the next four years. The resolve also states that the Legislature intends to appropriate and allocate the funds necessary to reach these enrollment targets.

**RESOLVE 130 Resolve, to Establish a Commission to Study Kindergarten-to-
EMERGENCY grade-12 Educator Recruitment and Retention**

LD 2327

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM	H-1097 S-794 MICHAUD

Resolve 1999, chapter 130 establishes the Commission to Study Kindergarten-to-grade 12 Educator Recruitment and Retention. The commission shall study the supply of teachers and administrators in the State, including the causes of and the reasons cited for educator shortages, the types and numbers of educators that Maine schools will need to hire during the next decade and the conditions, practices and types of financial incentives that may lead to the recruitment and retention of educators. The law requires the Commissioner of

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Education to convene the first meeting of the commission and requires the Department of Education to provide staffing assistance and research services for the commission. The commission shall submit its report and any necessary implementing legislation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs during the First Regular Session of the 120th Legislature no later than December 1, 2000. The law also provides a \$30,000 appropriation to the State Board of Education to complete school funding research related to the essential programs and services model of school funding.

Resolves 1999, chapter 130 was finally passed as an emergency measure effective May 10, 2000.

PASSED

**JOINT ORDER – Relative to the Joint Study Committee to Study
Bomb Threats in Maine Schools**

HP 1938

Sponsor(s)

Committee Report

Amendments Adopted

Joint Order HP 1938 was read and passed in both chambers and establishes the Joint Study Committee to Study Bomb Threats in Maine Schools to study the problem of bomb threats in schools in the State and possible methods of deterring bomb threats in schools, including withholding privileges, such as driver's licenses and other licenses, from a student convicted of or participating in making a bomb threat until the student is 20 years of age.

Health and Human Services

PUBLIC 599 An Act to Increase the Availability of Family Foster Homes LD 2272

<u>Sponsor(s)</u> BROOKS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 599 extends the term of a family foster home or specialized foster home license from a one-year period to a 2-year period.

PUBLIC 615 An Act to Improve the Lives of People with Disabilities LD 2434

<u>Sponsor(s)</u> SCHNEIDER	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 615 authorizes an individual eligible for the consumer-directed personal assistance services program to hire certain family members as personal assistants to the degree permitted by federal law retroactively to the date the federal law was effective. This law directs the Department of Human Services to adopt rules to implement this provision.

PUBLIC 628 An Act to Clarify Terms of Appointment to the Advisory Committee on Family Development Accounts LD 2623

<u>Sponsor(s)</u> KONTOS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 628 clarifies the terms for which members are appointed to the Advisory Committee on Family Development Accounts and includes provisions for vacancies and absences.

PUBLIC 631 An Act Regarding Promoting Access to Transportation LD 1668

<u>Sponsor(s)</u> LAWRENCE QUINT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-595
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Public Law 1999, chapter 631 exempts from the used car dealer licensing requirements public agencies or nonprofit organizations that receive donated vehicles, place them in good operating order and provide them to low-income people for no more than the cost of ensuring that they are in good operating condition. Public or nonprofit organizations that provide vehicles in this manner are subject to the used car information provisions of

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the Maine Revised Statutes, Title 10, chapter 217 and are required to register with the Secretary of State and maintain a certificate of training as required by the Secretary of State.

PUBLIC 637 An Act to Remove Certain Barriers for Low-income Working Parents LD 2415

<u>Sponsor(s)</u> MCGLOCKLIN TREAT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-868
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Public Law 1999, chapter 637 provides information about services to help low-income families maintain employment and to eliminate certain barriers to receiving food stamps for those families. Under current law there is a vehicle asset limit that prevents certain families that own dependable vehicles from receiving food stamps. This law allows certain low-income households to receive referral services through the Temporary Assistance to Needy Families block grant, and makes such households categorically eligible for food stamps.

PUBLIC 647 An Act Establishing the Newborn Hearing Program LD 1814

<u>Sponsor(s)</u> FULLER TREAT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-931
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Public Law 1999, chapter 647 establishes the Newborn Hearing Program to provide hearing information on screening, evaluation, treatment and intervention to newborn children and to children within 3 months of the date of their birth. The program is within the Department of Human Services with advice provided by the Newborn Hearing Screening Advisory Board.

PUBLIC 675 An Act to Amend the Laws Regarding Foster Parents LD 2606
EMERGENCY

<u>Sponsor(s)</u> COTE PARADIS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 675 removes the repealer on the section of law allowing foster parents, preadoptive parents or relatives providing care for a child to attend a review or hearing that is held with respect to the child.

Public Law 1999, chapter 675 was enacted as an emergency measure effective April 12, 2000.

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PUBLIC 681 An Act Regarding Medicaid Managed Care Ombudsman Services LD 114

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-978
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Public Law 1999, chapter 681 requires the Department of Human Services to contract for ombudsman services, with a nonprofit organization other than the health benefits advisor, for the Medicaid managed care population provided that non-General Fund money is used for the state seed to pay for the services.

PUBLIC 688 An Act to Amend the Laws Regarding the Board of Licensure of Water Treatment Plant Operators LD 2654

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Public Law 1999, chapter 688 amends the laws regarding the Board of Licensure of Water Treatment Plant Operators. It does the following:

1. Modifies the definition of "operator" to coincide with the federal definition;
2. Clarifies the classification requirements to apply to all community public water systems and all noncommunity nontransient water systems;
3. Increases the membership on the Board of Licensure of Water Treatment Plant Operators from 7 to 9, in order to provide representation to the new classes of supply that are required to have licensed operators;
4. Authorizes the board to suspend or revoke a license of a certified operator;
5. Repeals the provision that grandfathered operators who operated between October 1, 1966 and October 1, 1969; and
6. Repeals the provision that authorized a 13-month waiver provision to allow an applicant time to pass an annual exam.

PUBLIC 707 An Act Relating to Eligibility for the Elderly Low-cost Drug Program LD 2644

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1088
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Current law provides that a person who was eligible for the elderly low-cost drug program under the Maine Revised Statutes, Title 22, section 254 at any time from August 1, 1998 to July 31, 1999 retains eligibility until February 28, 2001 if that person is a member of a household of an eligible person. Public Law 1999, chapter 707 continues such eligibility beyond February 28, 2001 and clarifies that those persons who receive Medicaid benefits who are ineligible for the elderly low-cost drug program are those who receive Medicaid pharmaceutical benefits.

PUBLIC 727 An Act to Require Rules on Temporary Campgrounds to be Major Substantive Rules LD 2681

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 1999, chapter 727 provides that rules adopted by the Department of Human Services regulating tent and recreational vehicle parks, agricultural fair camping facilities, temporary campgrounds and wilderness recreational parks are major substantive rules beginning March 1, 2001. The law contains a future repeal date of March 1, 2004.

PUBLIC 761 An Act to Improve Public Water Supply Protection LD 2597

<u>Sponsor(s)</u>	<u>Committee Report</u> OPT-AM	<u>Amendments Adopted</u> H-1106
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PL 1999, chapter 761 strengthens the laws regarding the protection of public water supplies. It increases the authority of the Drinking Water Program within the Department of Human Services to deny an application for a new water system in the vicinity of existing potential sources of contamination. It provides for notice to water suppliers of applications for zoning changes, subdivision proposals, application for auto graveyards and septic system expansions and proposed land use projects. It provides for public education regarding public water supplies. The law directs the Department of Human Services and the Department of Environmental Protection to jointly hire a consultant to review the drinking water and plumbing control programs. The consultant is required to submit a report to the joint standing committees on health and human services matters and natural resources matters by 2/1/2001. The committees are empowered to report out legislation regarding these issues.

PUBLIC 778 An Act to Provide Services for Children in Need of Supervision LD 1623
EMERGENCY

<u>Sponsor(s)</u> BRENNAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1103 S-768 MICHAUD
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Health and Human Services

Public Law 1999, chapter 778 establishes the Youth in Need of Services Pilot Program. The program provides for a preliminary assessment and a safety plan consisting of housing, medical care, food, education, mental health and substance abuse services and treatment and support services for youth under 15 years of age who have been determined to be in need of services. The law provides for a proceeding in the District Court to obtain services for youth determined to be in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense. If a court finds that a youth is in need of services and is in imminent danger or at risk of prosecution for a juvenile offense, the law requires the court to order that those services be offered.

The law expands to Region II the Homeless Youth Demonstration Project created in Resolve 1999, chapter 55. It requires the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to report on their evaluation of the project and the recommendations of the stakeholders to the Youth in Need of Services Oversight Committee by February 1, 2001.

Public Law 1999, chapter 778 was enacted as an emergency measure effective May 10, 2000.

PUBLIC 786 An Act to Establish Fairer Pricing for Prescription Drugs

LD 2599

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM MAJ	H-1187 ROWE
ROWE	OTP-AM MIN	S-803 PINGREE

Public Law 1999, chapter 786 does the following:

1. Part A enacts a new chapter on prescription drug access. Enacted in this chapter are the following elements:
 - A. Subchapter I contains the Maine Rx Program to reduce prescription drug prices for residents of the State. The program utilizes manufacturer rebates and pharmacy discounts to reduce prescription drug prices. The State will serve as a pharmacy benefit manager in negotiating rebates and discounts on behalf of qualified residents. The program depends on manufacturers and labelers of prescription drugs to pay rebates to the State that are used to provide discounted prices to qualifying Maine residents when they purchase prescription drugs. The Department of Human Services is directed to release the names of manufacturers and labelers that do not participate in the Maine Rx Program.
 - B. It establishes the Maine Rx Dedicated Fund to receive revenue due to the program, to make payments to retail pharmacies as required by the program and to pay for contracted services, administrative costs and other program costs.
 - C. It authorizes the Department of Human Services to coordinate the Maine Rx Program with other medical and pharmaceutical assistance programs.
 - D. Subchapter II contains the Prescription Drug Price Reduction Act. This subchapter establishes the Prescription Drug Advisory Commission, a 12-member commission that advises the Commissioner of Human Services regarding access to prescription drugs and prescription drug prices. The commission advises the commissioner on major substantive rules regarding the procedures to be used in setting and reviewing maximum retail prices for prescription drugs. The commission is required to provide annual

Health and Human Services

reports to the Commissioner of Human Services, the Governor and the Legislature by April 1, 2001 and by the 2nd week in January each subsequent year.

- E. The Commissioner of Human Services is required by January 5, 2003 to undertake a process to determine the need for maximum retail prices for prescription drugs. If the process results in a requirement that maximum retail prices be established, those prices must take effect by July 1, 2003. An appeal mechanism is provided and also a mechanism for addressing situations that may threaten or endanger the public health or welfare. A violation of the maximum retail prices is an unfair trade practice.
 - F. Subchapter III contains a prohibition on profiteering in prescription drugs by manufacturers, their affiliates and subsidiaries, distributors and labelers of prescription drugs. Profiteering may be punished as a civil violation and may result in an award of triple damages, attorney's fees, punitive damages and costs. A violation of the subchapter is a violation of the Maine Unfair Trade Practices Act.
2. It authorizes the State to negotiate and enter into purchasing alliances and regional strategies with governments and public and private entities for the purpose of reducing prescription drug prices for residents of the State.
 3. It provides statements of findings, intent and purpose.
 4. It provides appropriations and allocations to fund the provisions of the law.
 5. If the Commissioner of Human Services establishes maximum retail prices for prescription drugs, the law directs the commissioner to establish a drug formulary and prior authorization for dispensing drugs in the Elderly Low-cost Drug Program. Beginning January 1, 2001, it requires manufacturers and labelers of drugs that participate in the Medicaid program to participate in the drug rebate program in the Elderly Low-cost Drug Program.
 6. If the Commissioner of Human Services establishes maximum retail prices for prescription drugs, the law directs the commissioner to require prior authorization for the dispensing of drugs in the Medicaid program that would apply to drugs that are priced above the established maximum retail prices. It directs the department to require prior authorization for the dispensing of drugs in the Medicaid program that are provided from manufacturers and labelers who do not enter into rebate agreements with the State under the Maine Rx Program.

P & S 70

**An Act to Amend the Charter of Hospital Administrative
District No. 4**

LD 2559

Sponsor(s)
DAVIS P

Committee Report
OTP

Amendments Adopted

Private and Special Law 1999, chapter 70 increases the maximum debt limit for Hospital Administrative District #4 (Mayo Hospital in Dover-Foxcroft) from \$7,000,000 to an amount not to exceed 2% of the total current state valuation of all towns and plantations that are members of the district.

Health and Human Services

P & S 84 **An Act to Amend the Powers of Hospital Administrative**
EMERGENCY **District No. 1**

LD 2046

<u>Sponsor(s)</u> CATHCART MICHAUD	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-607
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Private and Special Law 1999, chapter 84 amends the powers of Hospital Administrative District No. 1 in Lincoln. It requires a public informational meeting to be held prior to the directors voting on a project to be bonded. It increases the debt limitation to \$7,000,000. It amends the petition for referendum provision to lower the number of signatures required, increase the time period for collecting signatures, provide that the clerks of the municipalities verify the signatures on the petitions and change the vote from a districtwide meeting at which the vote is taken to a vote in each municipality, in the same manner as a general election. It requires the referendum vote to be held within 120 days from receipt of the petition. It prohibits splitting a project for purposes of evading a requirement of law. It adds a provision that subjects to referendum all bond issues in an amount of \$2,000,000 or more that are approved by the board of directors of the Hospital Administrative District after January 1, 2002.

Private and Special Law 1999, chapter 84 was enacted as an emergency measure effective April 14, 2000.

P & S 95 **An Act to Implement the Recommendations of the Task Force to**
Study the Need for an Ombudsman for the Department of Human
Services and the Department of Mental Health, Mental Retardation
and Substance Abuse Services Relating to the Department of
Mental Health, Mental Retardation and Substance Abuse Services

LD 528

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1080 S-742 MICHAUD
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Private and Special Law 1999, chapter 95 requires the Department of Human Services, Bureau of Child and Family Services to review its rules regarding child protective matters, and requires the provision of information to parents involved in the child protective system.

RESOLVE 104 **Resolve, Regarding Public Health Supervision of Dental Hygienists**

LD 2128

<u>Sponsor(s)</u> LOVETT PARADIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-930
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Health and Human Services

Resolve 1999, chapter 104 directs the Board of Dental Examiners to amend the rule regarding public health supervision of dental hygienists in order to provide less restrictive public health supervision of dental hygienists. The purpose of the rule change is to encourage greater utilization of services in institutional, public health and other settings outside a dental office. Rules adopted pursuant to this provision are designated as routine technical rules.

RESOLVE 106 Resolve, Regarding Services for Older Persons with Mental Illness

LD 2513

<u>Sponsor(s)</u> PARADIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-586
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Resolve 1999, chapter 106 requires the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Human Services to undertake initiatives regarding services to older persons with special needs, requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt quality assurance measures and performance indicators and requires the 2 departments to support the Joint Advisory Committee on Select Services for Older Persons, which will advise the departments and monitor new initiatives.

**RESOLVE 117 Resolve, Regarding Legislative Review of Chapter 1: Rights of
EMERGENCY Recipients of Mental Health Services Who are Children in Need of
Treatment, Section A-VII, Rights to Due Process With Regard to
Grievances and Section A-IX, Confidentiality of and Access to
Mental Health Records, a Major Substantive Rule of the
Department of Mental Health, Mental Retardation and Substance
Abuse Services**

LD 2658

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 1999, chapter 117 provides for legislative review of Chapter 1: Rights of Recipients of Mental Health Services Who are Children in Need of Treatment, Section A-VII, Rights to Due Process With Regard to Grievances and Section A-IX, Confidentiality of and Access to Mental Health Records, a major substantive rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services. This resolve approves the adoption of the proposed rule.

Resolve 1999, chapter 117 was finally passed as an emergency measure effective April 14, 2000.

Health and Human Services

RESOLVE 118 **Resolve, Regarding Legislative Review of Portions of Sections**
EMERGENCY **61, 62, 63, 68 and 73 of 10-49, Chapter 5, Bureau of Elder and**
 Adult Services Policy Manual, a Major Substantive Rule of the
 Department of Human Services

LD 2659

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1099

Resolve 1999, chapter 118 provides for legislative review of Portions of Sections 61, 62, 63, 68 and 73 of 10-49, Chapter 5, Bureau of Elder and Adult Services Policy Manual, a major substantive rule of the Department of Human Services. It requires that the rules for adult day services, Alzheimer's respite, congregate housing services, the homemaker program, home-based care for elders and adults with disabilities and consumer-directed home-based care programs require that consumers who may qualify for a waiver be informed of the right to apply for a waiver. It also provides that the rules for in-home and community support services and personal care assistance for severely physically disabled adults refer to determination of the dependent allowance in agreement with the method used in the Medicaid program.

Resolve 1999, chapter 118 was finally passed as an emergency measure effective April 14, 2000.

RESOLVE 129 **Resolve, to Implement the Recommendations Contained in the**
Report Entitled "Women's Health: An Action Plan for Maine"

LD 2374

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B KANE	OTP-AM	S-585 S-749 MICHAUD

Resolve 1999, chapter 129 provides one-time funds of \$200,000 for the Department of Human Services, Bureau of Health to contract with a nonprofit organization to implement the recommendations contained in the report entitled "Women's Health: An Action Plan for Maine," prepared by Medical Care Development, Inc. in July 1999.

RESOLVE 137 **Resolve, Regarding Access to Marijuana for Medical Use**

LD 2580

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND QUINT	OTP-AM	S-597 S-797 RAND

Resolve 1999, chapter 137 directs the Attorney General to convene a task force to study implementation of the marijuana for medical purposes law and to recommend steps to implement the law and provide access to marijuana for medical purposes. The task force must be broadly representative. The President of the Senate appoints 2 Senators and the Speaker of the House appoints 5 Representatives. By October 1, 2000, the task

Health and Human Services

force is required to report its recommendations and any suggested legislation to the joint standing committees on criminal justice and health and human services.

PASSED

**JOINT ORDER – Relative to the Joint Select Committee on the
Psychiatric Treatment Initiative**

HP 1955

Sponsor(s)

Committee Report

Amendments Adopted

Joint Order HP 1955, as passed in both the House and Senate, establishes the Joint Select Committee on the Psychiatric Treatment Initiative, an 8-member committee authorized to meet up to 4 times between September 1, 2000 and November 1, 2000. The committee's duties include overseeing the efforts of the Department of Mental Health, Mental Retardation and Substance Abuse Services to address the recommendations for action regarding the delivery of mental health services in the community outlined in the report "Maine Treatment Initiative: Civil and Forensic." The committee is also charged with working with community providers and reporting November 1, 2000 on actions taken by the department to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on Health and Human Services.

Inland Fisheries and Wildlife

PUBLIC 549 **An Act to Maintain the Eel and Elver Management Fund and Regulate Permits for Eel Weirs** **LD 2284**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 1999, chapter 549 authorizes the Department of Inland Fisheries and Wildlife to adopt routine technical rules regulating the issuance of eel weir permits.

PUBLIC 558 **An Act to Change the Name in the Statutes of a Native American** **LD 2310**
EMERGENCY **Organization Able to Issue Hunting and Fishing Licenses**

<u>Sponsor(s)</u> PARADIS MARTIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 1999, chapter 558 changes the name of the organization that issues hunting, trapping and fishing licenses to Native Americans from the Central Maine Indian Association to "Wesget-Suppo." This reference was corrected to "Wesget-Sipu" in Public Law 1999, chapter 790, the Judiciary Committee's Errors and Inconsistencies bill (see Judiciary Committee summaries, LD 2334).

Public Law 1999, chapter 558 was enacted as an emergency measure effective March 15, 2000.

PUBLIC 588 **An Act to Allow Three Hunters to Hunt Deer Together** **LD 971**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-799
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Public Law 1999, chapter 588 allows 3 or fewer persons to hunt together without being guilty of driving deer, provided that they do not use noisemaking devices.

Inland Fisheries and Wildlife

PUBLIC 690 **An Act Regarding Lifetime Hunting and Fishing Licenses**
EMERGENCY

LD 2670

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
				H-1064 DUNLAP

Public Law, chapter 690, makes lifetime hunting and fishing licenses available in January of 2001 for residents from 6 to 15 years of age, inclusive, creates a sliding scale fee for the existing senior lifetime licenses and clarifies that persons 70 years of age or older remain entitled to a complimentary lifetime hunting and fishing license.

This law also establishes that adult lifetime hunting and fishing licenses be available in January of 2006 for persons from 16 to 64 years of age and requires the Department of Inland Fisheries and Wildlife submit its recommendations for a fee structure for such licenses to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters in January of 2005. That committee may then report out a bill to the first regular session of the 122nd Legislature to implement a fee structure for the adult lifetime hunting and fishing licenses.

Public Law, chapter 690 was enacted as an emergency measure effective April 13, 2000.

PUBLIC 697 **An Act to Implement Municipal Recommendations Regarding**
EMERGENCY **Surface Water Use on Great Ponds**

LD 2671

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP MAJ		S-639 GOLDTHWAIT
		OTP-AM MIN		

Public Law 1999, chapter 697 prohibits the operation of personal watercraft on Megunticook Lake in the Town of Camden, the Town of Hope and the Town of Lincolnville; on Hobbs Pond, Fish Pond and Alford Lake in the Town of Hope; on Norton Pond and Coleman Pond in the Town of Lincolnville; on Pitcher Pond in the Town of Lincolnville and the Town of Northport; on Torsey Lake in the Town of Mount Vernon and the Town of Readfield; on Trickey Pond in the Town of Naples; between sunset and 9:00 a.m. on Brandy Pond in the Town of Naples; on Fulton Lake in the Town of Northfield; on Knight Pond in the Town of Northport; on Moose Pond and Saturday Pond in the Town of Otisfield; on Tripp Pond, Upper Range Pond and Middle Range Pond in the Town of Poland; on Keewaydin Lake, Virginia Lake, Trout Pond, Weymouth Pond and Whitney Pond in the Town of Stoneham; on Lermond Pond in the Town of Union and the Town of Hope; on Pocasset Lake and Pickerel Pond in the Town of Wayne; on Androscoggin Lake in the Town of Wayne and the Town of Leeds; on Little Cobbosseecontee Lake in the Town of Winthrop, on Somes Pond and Little Long Pond in the Town of Mount Desert and on Long Pond in the Towns of Mount Desert and Southwest Harbor.

The bill also prohibits the operation of watercraft at greater than headway speed within 1/2 mile of the boat launches located on the north and south ends of Torsey Lake in the Town of Mount Vernon and the Town of Readfield, prohibits the operation of a watercraft equipped with a motor greater than 10 horsepower on Cold Rain Pond in the Town of Naples and on Holt Pond in the Town of Naples and the Town of Bridgton and

Inland Fisheries and Wildlife

This law authorizes game wardens to make regulatory stops to determine compliance with license, permit, equipment or other requirements or restrictions when the following circumstances exist:

1. The game warden is in uniform;
2. The person is in the act of hunting, fishing or trapping; and
3. The person is not in or on a motor vehicle. The definition of "motor vehicle" in the fish and wildlife laws excludes motorboats but includes all other motor-driven vehicles.

This law also clarifies that wardens have the authority to establish checkpoints to collect statistics and determine compliance with the fish and wildlife laws. Such checkpoints must be established pursuant to policy established by the Commissioner of Inland Fisheries and Wildlife. Current law authorizes wardens to issue citations and prosecute violations and to seize fish and wildlife unlawfully taken.

Finally, this law states that wardens' primary responsibility is enforcement of laws protecting fish and wildlife.

Public Law 1999, chapter 738 was enacted as an emergency measure effective April 25, 2000.

RESOLVE 95	Resolve, Regarding Legislative Review of Chapter 25: Leashed Tracking Dog License Rules, Major Substantive Rules of the Department of Inland Fisheries and Wildlife	LD 2603
EMERGENCY		

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 1999, chapter 95 approves major substantive rules of the Department of Inland Fisheries and Wildlife, Chapter 25, Leashed Tracking Dog License Rules.

Resolve 1999, chapter 95 was finally passed as an emergency measure effective March 30, 2000.

RESOLVE 101	Resolve, to Direct the Department of Inland Fisheries and Wildlife to Review Rules for Compliance with the Americans With Disabilities Act	LD 1225
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<u>Sponsor(s)</u> BERRY R	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-886
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Resolve 1999, chapter 101 requires the Commissioner of Inland Fisheries and Wildlife to comprehensively review the issue of expanding hunting and fishing opportunities to disabled persons and to report the findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 1, 2001. The report must include a review of the department's current authority to issue unconventional or special

Judiciary

PUBLIC 542 **An Act to Clarify the Laws Governing Service of Protection from**
EMERGENCY **Harassment Orders in Court**

LD 2271

<u>Sponsor(s)</u> SCHNEIDER	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 542 allows a court security officer qualified pursuant to the Maine Revised Statutes, Title 4, section 17, subsection 15 to serve a defendant personally with any protective order or consent decree if the defendant is present in the courthouse.

Public Law 1999, chapter 542 was enacted as an emergency measure effective March 6, 2000.

PUBLIC 547 **An Act to Amend the Jurisdiction of the District Court**
EMERGENCY

LD 2487

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-861
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Public Law 1999, chapter 547 amends the jurisdiction of the District Court in 2 ways. First, it gives the District Court the equitable jurisdiction to order the partition of property by sale. Both the Superior Court and the probate courts currently have this equity jurisdiction in the situation where a life tenancy is followed by a contingent remainder.

Second, chapter 547 gives the District Court all the jurisdiction, powers and responsibilities of the Administrative Court and eliminates the Administrative Court as of March 15, 2001. The Administrative Court Associate Judge position, currently vacant, is eliminated immediately. A District Court Judge position is created immediately, so there is no net loss of judicial resources. Chapter 547 clarifies that an expedited hearing on the emergency suspension or revocation of a license must be scheduled, but that such hearings do not take precedence over any other items on the District Court's docket.

Public Law 1999, chapter 547 was enacted as an emergency measure effective March 9, 2000 except as otherwise provided.

PUBLIC 571 **An Act to Amend Maine's Probate Code**

LD 2285

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-817
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Public Law 1999, chapter 571 adds specific factors that the court may include as guides in determining whether compensation paid to a testamentary trustee or to other persons employed by the testamentary trustee to provide services is reasonable. The factors are the same as apply to personal representatives under the Maine Revised

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Statutes, Title 18-A, section 3-721. Because the Supreme Judicial Court in Estate of Davis, 509 A.2d 1175 (Me. 1986) interpreted the order of the factors as implying the relative importance of each factor in determining the reasonableness of fees charged by a personal representative, chapter 571 clearly states that the order does not imply that one factor is necessarily more important than any other factor. Chapter 571 specifically allows compensation calculated on a percentage basis as long as the compensation is reasonable.

PUBLIC 572 An Act to Provide for a Limited Waiver of Immunity

LD 1294

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS	OTP-AM MAJ ONTP MIN	H-815

Public Law 1999, chapter 572 waives immunity from tort liability for directors, officers or volunteers of charitable organizations who cause harm while operating vehicles, vessels or aircraft. Damages against such a person may not exceed the amount of insurance coverage held by that person to cover such claims. The bill also voids, as contrary to public policy, any provision in an insurance policy that attempts to limit or exclude coverage for claims that are authorized by this law.

PUBLIC 587 An Act to Amend the Installment Payment Order Capability of the Disclosure Court

LD 347

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE BENNETT	OTP-AM MAJ ONTP MIN	H-816

Public Law 1999, chapter 587 allows a court, in determining a debtor's ability to make installment payments to a creditor, to consider income that is exempt from attachment and execution, such as veterans' benefits and social security benefits. The exempt income would be used to calculate the maximum installment payment the court could order, but would not be subject to attachment.

PUBLIC 594 An Act to Clarify the Laws Relating to Corporate and Other Entities

LD 2333

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-818 H-826 CAMERON S-533 GOLDTHWAIT

Public Law 1999, chapter 594 clarifies and makes uniform the requirements for filing notice with the Secretary of State of a business entity's change of registered agent or office, changes the laws relating to authorized

Judiciary

signatures on foreign entity filings and makes other technical changes in the laws relating to business entity filings with the Secretary of State.

PUBLIC 613 An Act Concerning Offensive Names

LD 2418

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH PARADIS	OTP-AM MAJ ONTP MIN	H-873

Public Law 1999, chapter 613 provides that the use of "squaw" or "squa" as a separate word in the name of a place is offensive, and requires that the name of that place must be changed. The municipal officers, if the place is within a municipality, or the county commissioners, if the place is located in unorganized territory, must take reasonable steps to complete a change in the name. Public hearings may be held on selecting a new name. Current law concerning offensive place names provides for a court to order a name change within 90 days if there is no agreement reached between the Maine Human Rights Commission and the municipal officers or the county commissioners, as applicable. Chapter 613 requires the public notification about the new name to take place within 6 months of the determination that a place name is offensive if there is no court order specifying a different deadline.

**PUBLIC 623 An Act to Ensure that Reports Commissioned by the State are
Submitted in Writing or Other Reproducible Format**

LD 2268

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK LIBBY	OTP-AM	H-953

Public Law 1999, chapter 623 requires that state contracts for \$10,000 or more require a report back to the contracting agency, and that the report must be in writing or in another reproducible nontransitory medium. Electronic or other media may be used as long as the report can be reproduced. The report must include the substantive conclusions disclosed to the agency contracting for the report. It must also either include a summary of the information and data on which the conclusions were based or identify the source of the information and data. The agency must maintain a copy of the report in its custody.

**PUBLIC 625 An Act Concerning the Date by Which Land Must be Acquired by
the Penobscot Nation**

LD 2499

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

Judiciary

Public Law 1999, chapter 625 provides that certain land acquired by the Secretary of the Interior of the United States for the benefit of the Penobscot Nation prior to January 31, 2021 is considered Penobscot Indian territory pursuant to the Act to Implement the Maine Indian Claims Settlement, Maine Revised Statutes, Title 30, chapter 601. Current law provides that such land must be acquired prior to January 31, 2001.

PUBLIC 629 An Act to Ensure Civil Rights and Prevent Discrimination LD 2239

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP-AM A	S-624
SAXL M	ONTP B	
	OTP-AM C	

Public Law 1999, chapter 629 proposes to amend the Maine Human Rights Act to prohibit discrimination on the basis of sexual orientation in employment, housing, public accommodation and credit. The law will become effective if approved by voters at a November 2000 referendum.

Religious entities, including certain nonprofit organizations and educational institutions, are exempt from the prohibition against discrimination on the basis of sexual orientation. However, a state agency may include nondiscrimination requirements in any contract with a religious entity. The law does not require schools to include sexuality or sexual orientation in their curricula, nor does it create affirmative action requirements or requirements for employers to provide domestic partner benefits.

PUBLIC 633 An Act to Validate Pierringer Releases in Multiparty Lawsuits LD 1795

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-558

Public Law 1999, chapter 633 authorizes the courts to approve Pierringer release and dismissal procedures in multiparty litigation. In a Pierringer release, the plaintiff gives up that share of recovery that is proportional to the settling defendant's fraction of responsibility. The purpose of a Pierringer release is to permit one defendant to settle with the plaintiff and to withdraw finally from the suit even when there are cross claims against the defendant. Chapter 633 also contains safeguards to protect nonsettling parties from being prejudiced by the absence of the settling defendant.

PUBLIC 634 An Act to Revise the Spousal Support Statute LD 2276

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-915

Judiciary

Public Law 1999, chapter 634 is a recommendation of the Family Law Advisory Commission pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2. It replaces the current law on spousal support

Judiciary

with more comprehensive requirements concerning the award of spousal support. Chapter 634 requires the courts to approach the determination of spousal support in a uniform manner. It also establishes two rebuttable presumptions designed to bring greater uniformity and predictability to spousal support determinations. Because the presumptions are rebuttable, the courts will retain their traditional discretion to fashion spousal support awards that are responsive to the particular circumstances of each case.

Chapter 634 also permits a spousal support award to provide that all or a portion of the award, including, but not limited to, the limitations associated with the award, is not subject to future modification. Under existing law, the question of whether a spousal support award may be modified can be the subject of lengthy and expensive litigation even in those cases in which the parties had previously entered into a written antimodification agreement.

PUBLIC 638	An Act to Improve Business Entity Filings and Authorize Mergers, Consolidations and Conversions of Various Business Entities	LD 2290
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<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-965
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Public Law 1999, chapter 638 allows corporations, partnerships and other business entities to merge or consolidate with each other and to convert to a different legal form. It sets forth the process that must be followed to accomplish the merger, consolidation or conversion and the effect of such changes on the powers, duties and property rights of the resulting business entity. The law exempts deeds made pursuant to mergers or consolidations from the real estate transfer tax if the transfer meets certain criteria. The law also changes the fees for filing of business entity documents with the Secretary of State. It increases the fee for filing Articles of Incorporation for domestic corporations from \$105 to \$125, reduces the fees for filing documents relating to limited partnerships, limited liability companies and limited liability corporations to make them equal to the fees for filing comparable business corporation documents, and provides that foreign entity filing fees are twice the amount of the comparable domestic entity fees.

PUBLIC 639	An Act Regarding the Statute of Limitations for Sexual Misconduct with a Minor	LD 2453
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<u>Sponsor(s)</u> DUDLEY RAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-914
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Public Law 1999, chapter 639 repeals and replaces the current law limiting civil actions for sexual acts toward minors. It provides that there is no statute of limitations for such civil actions that are based on sexual acts or sexual contact that either occurred after the effective date of this law, or occurred prior to the effective date but for which the existing statute of limitations had not yet expired on the effective date of this law. This change does not revive any case for which the period under the statute of limitations has already expired. "Sexual acts toward minors" is defined to include both "sexual act" and "sexual contact" as defined in the Maine Criminal Code.

Judiciary

PUBLIC 665 An Act to Amend the Definition of Marital Property

LD 2267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM MAJ ONTP MIN	H-917

Public Law 1999, chapter 665 revises the definition of marital property to respond to the decisions of Clum v. Graves, 1999 ME 77 and Harriman v. Harriman, 1998 ME 108 and makes two changes to the operation of Maine's marital property law. First, it excludes the increase in value of nonmarital property from the definition of marital property if no marital effort or money is expended. The portion of the increase resulting from the reinvestment of the property's income or appreciation during the marriage remains nonmarital, so long as neither spouse had a substantial and active role in the management, preservation or improvement of the property during the marriage. On the other hand, if funds invested in a spouse's nonmarital account involved the substantial active involvement of either or both spouses, the increase in value may be found to be marital property. The determination of what constitutes "substantial and active" involvement by a spouse will depend upon the type of management, maintenance or improvement customarily associated with the type of property at issue. Chapter 665 also expands the exception to the marital property presumption to include nonmarital property acquired during the marriage. The predecessor provision applied to only the "increase in value of property acquired prior to the marriage." This change modifies this limiting language so that it now applies to all nonmarital property, whether acquired prior to marriage or during the marriage through gift, bequest, devise or descent or property excluded by agreement of the parties. Public Law 1999, chapter 790, Part I makes the changes in chapter 665 apply to pending cases.

**PUBLIC 667 An Act to Correct the Inadvertent Repeal of the Abandoned
EMERGENCY Property Disposition Process for Municipalities**

LD 2582

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL FERGUSON	OTP-AM	H-1000 H-1085 THOMPSON

Public Law 1999, chapter 667 provides municipalities, counties and other political subdivisions with a process by which to dispose of abandoned personal property that is typically found in tax-acquired or condemned real estate. The process includes specific notice requirements, and establishes the process by which municipalities, counties and other political subdivisions must dispose of abandoned property. If the property is sold, after applying the proceeds to the costs of storage, notice and sale, the political subdivision must turn over the balance and the appropriate records to the Treasurer of State in accordance with the Uniform Unclaimed Property Act.

Public Law 1999, chapter 667 was enacted as an emergency measure effective April 11, 2000.

Judiciary

PUBLIC 686 An Act to Permit the Attorney General, a Deputy Attorney General LD 2436
or a District Attorney to Request Records of Internet Service
Providers and Mobile Telecommunications Service Providers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM MAJ ONTP MIN	H-982 H-1026 CAMERON

Public Law 1999, chapter 686 allows the Attorney General, a deputy attorney general or a district attorney to request records of Internet service providers and mobile telecommunications service providers in the same way other utility records are requested. It incorporates the federal definition of "Internet service provider" and limits records of utility services to subscriber information: name, address, local and long-distance telephone billing records, telephone number or other subscriber number or identity and the length of time the services have been provided to the subscriber or customer. Content of electronic mail and other transmissions is excluded. The procedure a prosecutor must follow to demand and receive the records is not changed, except that a notice requirement is added. Within 60 days of the approval of the demand for utility service records, the prosecutor must notify the person who is the subject of the records. The prosecutor may ask the court to extend that period, which the court may do upon a showing of reasonable cause. The period of the extension may not be indefinite but must be to a certain time. Additional extensions may be requested.

PUBLIC 689 An Act to Establish the Maine Coordinate System of 2000 LD 2514

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA JABAR	OTP	

Public Law 1999, chapter 689 creates the Maine Coordinate System of 2000, which accommodates global positioning system technological advances and which must be uniformly used for survey work provided to or by state or federal governmental agencies.

PUBLIC 699 An Act to Adopt the Model Revised Article 9 Secured Transactions LD 2245

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON LONGLEY	OTP-AM	H-1109

Public Law 1999, chapter 699 enacts changes recommended by the National Conference of Commissioners on Uniform State Laws as revisions to the Uniform Commercial Code, Article 9, on secured transactions. Changes recommended by the Office of the Secretary of State and the Maine State Bar Association's Bar Committee Report on Revised Article 9 are included. Several of the changes incorporated are nonuniform; that is, Maine Article 9-A will not be exactly the same as the Uniform Act. Nonuniform provisions are accompanied by Maine

Judiciary

Comments to explain the deviations. The “safe harbor” provisions in Title 29-A for out-of-state, over-the-road trailers are updated.

PUBLIC 702 An Act to Protect the Health and Well-being of a Nursing Infant of Separated or Divorcing Parents LD 2307

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM MAJ ONTP MIN	S-661

Public Law 1999, chapter 702 provides that when a court is awarding parental rights and responsibilities and is considering the factors to determine the best interest of the child, the factor of whether a child is being breast-fed must be considered if the child is less than one year of age.

PUBLIC 704 An Act to Amend the Laws Governing Paternity Establishment LD 2286

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-1032

Public Law 1999, chapter 704 provides that a jury trial is not available in a proceeding to establish paternity. Federal law mandates this change. The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, Section 331, 110 Stat. 2105 amended Title 42 of the United States Code, Section 666(a)(5) to mandate that each state must have in effect procedures providing that the parties to an action to establish paternity are not entitled to a jury trial.

Chapter 704 also amends the definition of "applicant" to include those persons receiving child support enforcement services under the Maine Revised Statutes, Title 19-A, section 2108.

PUBLIC 711 An Act to Clarify Signature Requirements on Certain Legal Documents LD 2072

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-1048

Public Law 1999, chapter 711 provides that electronic signatures, digital signatures and other signatures effected by electronic means are not valid on documents purporting to affect title to real property or on a power of attorney, notwithstanding any general law that validates such signatures.

Judiciary

PUBLIC 743 An Act to Expand a Judge's Powers for Contemptuous Failure to Pay

LD 1557

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM MAJ ONTP MIN	S-668

Public Law 1999, chapter 743 expands the remedies a court has when finding a person in civil contempt for failure to pay a fine, surcharge or assessment for the violation of any civil or criminal statute. In addition to a reasonable fine and term of imprisonment, the court may suspend any license or registration issued by the State, including hunting and fishing licenses and drivers' licenses.

PUBLIC 771 An Act to Enhance the Enforcement of Civil and Criminal Violations

LD 260

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON MILLS	OTP-AM	H-1056 S-741 MICHAUD

Public Law 1999, chapter 771 enhances the enforcement of certain fish and game, marine resources, and motor vehicle laws by making certain crimes civil violations. Violations that are affected include:

1. For the Department of Inland Fisheries and Wildlife violations, certain water-skiing, motorboat, airmobile, snowmobile, all-terrain vehicle and field dog training violations;
2. For the Department of Marine Resources violations, violations relating to obstructing fishways, fish kills, lobster harvester logbooks, dumping dead marine animals or scaled fish, monofilament nets, marking ice fishing shacks, herring measurement, sealing boats, taking Pacific salmon, diver's down flags, noncommercial scallop licenses, lobster shipping containers, shrimp labeling and cultchless American oysters; and
3. For motor vehicle violations, certain violations relating to odometers, dealers' licenses and dealers' plates, vehicle auction licenses and records, the time period for obtaining a driver's license, insurance for dealers and transporters, regrooved tires and railroad grade crossings. This Part also corrects language concerning contesting summonses. It also revises the law governing permitting unlawful use. This amendment makes it a traffic infraction for a vehicle owner to allow another person to use the vehicle when the driver commits a traffic infraction with the vehicle. Current law makes all permitted unlawful use a Class E crime.

Chapter 771 applies to violations committed on or after July 1, 2001.

Judiciary

PUBLIC 772 An Act Regarding Wrongful Death Actions

LD 687

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM MAJ	H-871
DOUGLASS	ONTP MIN	S-606 NUTTING J

Public Law 1999, chapter 772 raises from \$150,000 to \$400,000 the cap on the amount of damages that may be awarded in wrongful death actions to the family of the deceased to compensate for the loss of comfort, society and companionship of the deceased.

**PUBLIC 780 An Act to Provide for the Establishment of Alcohol and Drug
Treatment Programs in Maine Courts**

LD 2014

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W AMERO	OTP-AM	H-1047 S-748 MICHAUD

Public Law 1999, chapter 780 authorizes the Judicial Department to establish alcohol and drug court treatment programs in the Superior Courts and District Courts. The Judicial Department is required to establish a Drug Court Committee to plan for and implement the alcohol and drug treatment programs. The plan must include at least the specified subjects, including locating an alcohol and drug treatment program in each prosecutorial district. The Drug Court Committee shall report to the 120th Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2001. The report must include the plan and any legislative recommendations. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the recommendations. Funding for judicial training is included in chapter 780; funding for the judicial Department's Drug Court Coordinator is included in the Budget Bill, Public Law 1999, chapter 731, Part VV.

Judiciary

PUBLIC 790 An Act to Correct Errors and Inconsistencies in the Laws of Maine
EMERGENCY

LD 2334

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1121 H-1124 THOMPSON H-1161 THOMPSON H-1169 THOMPSON H-1170 THOMPSON H-1171 THOMPSON H-1172 THOMPSON H-1179 THOMPSON H-1182 THOMPSON H-1183 THOMPSON H-1186 THOMPSON H-1188 THOMPSON S -810 LONGLEY

LD 2334

Public Law 1999, chapter 790 corrects several technical errors and inconsistencies in the laws of Maine. In addition, it makes the following substantive changes.

1. Chapter 790, Part D amends the quorum and voting requirements for the boards of trustees of the Maine Legislative Retirement System and the Maine Judicial Retirement System to be consistent with the statutes governing the board of trustees for the Maine State Retirement System.
2. Chapter 790, Part D amends the Governmental Evaluation Act to delete the Maine Court Facilities Authority from the list of agencies under the review of the Judiciary Committee and to add the Maine Governmental Facilities Authority to the list of agencies under the review of the State and Local Government Committee.
3. Chapter 790, Part D reestablishes the Board of Counseling Professionals Licensure, which was inadvertently repealed.
4. Chapter 790, Part D repeals the section of the Maine Criminal Code dealing with collection and disbursement of court-ordered restitution, which was replaced but inadvertently not repealed.
5. Chapter 790, Part D corrects a reference to the appropriate part of Medicare for individual health insurance policies.
6. Chapter 790, Part D corrects a conflict governing prosecution protocol for the Maine Drug Enforcement Agency.
7. Chapter 790, Part D makes the driver's license reinstatement fee consistent throughout the statutes.
8. Chapter 790, Part D corrects a conflict in the eligibility criteria for burial in the Veterans' Memorial Cemetery.

Judiciary

9. Chapter 790, Part D extends the reporting deadline and makes other reporting modifications to the work of the MCJUSTIS Policy Board to make criminal and civil violations compatible with computerized data bases.
10. Chapter 790, Part E deletes the words "from the coastal waters" in the section of the lobster harvesting laws that establishes closed periods. A recent Superior Court decision ruled that "coastal waters" in a particular rule is limited to the waters up to 3 miles offshore. "Coastal waters" has been used and interpreted to mean any waters off the coast. Chapter 790, Part E amends Title 12, section 6440 to ensure that the restrictions on lobster harvesting at night and on Sunday stay intact.
11. Chapter 790, Part F corrects a deadline for the Maine Science and Technology Foundation to submit a plan for the comprehensive evaluation of state investments in research and development.
12. Chapter 790, Part G resolves an inconsistency in the adoption laws between the definition of "parent" in Title 18-A, section 9-102, subsection (h) and the provisions concerning consent of a putative or legal father with regard to children born in other jurisdictions.
13. Chapter 790, Part H corrects dates within non-emergency legislation enacted during the Second Regular Session.
14. Chapter 790, Part I amends the new law defining marital property (Public Law 1999, chapter 665) by providing an application section. The new law applies to all cases in which there is a determination of what property is marital property, including cases pending on the effective date of the new law.
15. Chapter 790, Part J amends the laws governing the powers of game wardens to ensure they are consistent with Public Law 1999, chapter 738. Chapter 790, Part J provides that the current authority to do anything otherwise prohibited by the fish and wildlife laws if necessary to carry out their duties does not authorize game wardens to stop any person, motor vehicle or watercraft except as specifically provided in the Maine Revised Statutes, Title 12, section 7053, which includes the new language added by Public Law 1999, chapter 738.

Chapter 790, Part J also corrects the spelling of the name of the Native American organization mentioned in Public Law 1999, chapter 558.

Chapter 790, Part J amends the Maine guide licensing statutes to delete disqualifying language for a specialized hunting guide license.

Chapter 790, Part J amends the law concerning shooting from a motor vehicle. It clarifies that paraplegics and single or double amputees of the legs are authorized to shoot from motor vehicles that are not in motion.

16. Chapter 790, Part K clarifies that only 3 changes implemented by Public Law 1999, chapter 744, concerning one-time changes of beneficiaries of retirement benefits take effect immediately.
17. Chapter 790, Part L corrects a potential inconsistency in Public Law 1999, chapter 775 by amending the law to clarify that the school board of the Governor Baxter School for the Deaf must continue to comply with the Maine Revised Statutes, Title 5, sections 1665 and 1666, which require all agencies to submit budget estimates for each biennium to the State Budget Officer and which authorize the Governor to review and revise these budget estimates.

Judiciary

18. Chapter 790, Part M corrects inconsistencies in Resolve 1999, chapter 130. The original bill proposed the establishment of a legislative commission staffed and funded by the Legislative Council. The resolve, as finally passed, instead places the full responsibility for providing research and staffing assistance for the study commission with the Department of Education, and further requires the Commissioner of Education to absorb the costs of conducting the study within the Department of Education budget. Chapter 790, Part M amends the resolve to authorize the Commissioner of Education to select the chair of the study commission and to appoint additional members to the study commission to more adequately represent the interests of schools in different types of school administrative units and different geographic regions of the State.
19. Chapter 790, Part N postpones certain statutory requirements for local school administrative units in the areas of maximum student-teacher ratios, guidance and counseling services, gifted and talented services and school accreditation until these requirements are integrated into Maine's system of learning results.
20. Chapter 790, Part O corrects an inadvertent omission by the Joint Standing Committee on Inland Fisheries and Wildlife. It adds Pickerel Pond in the Town of Wayne to the areas where the operation of a watercraft at greater than headway speed is prohibited.
21. Chapter 790, Part P amends the biweekly pay law, which requires most employers to pay their employees at intervals not greater than 16 days. The provision would allow public sector employees to bank compensatory time and take it in a pay period other than the one in which it was earned, without violating the biweekly pay law. It also would allow school administrative units to spread the pay of school-year employees over 12 months without violating the biweekly pay law.
22. Chapter 790, Part Q amends the restrictions on a proposed transfer of state land to the Town of Carrabassett Valley to allow up to 25 acres of the 1,203 acres transferred to be used for municipal facilities.
23. Chapter 790, Part R corrects errors contained in Public Law 1999, chapter 776 by repealing duplicative language and repealing sections appropriating General Fund resources in error.
24. Chapter 790, Part S corrects an error contained in Public Law 1999, chapter 777 by amending the General Fund appropriation.

Public Law 1999, chapter 790 was enacted as an emergency measure effective May 18, 2000, although some sections have different effective dates.

P & S 62 **An Act to Allow Limited Access to Information Relating to**
EMERGENCY **Investigation of Abuse at the Governor Baxter School for the Deaf**

LD 2394

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-784
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Private and Special Law 1999, chapter 62 gives the Joint Standing Committee on Judiciary access to information, including records, relating to any allegations and investigation of abuse that occurred at the Governor Baxter School for the Deaf, notwithstanding applicable confidentiality laws. It establishes the basic

Judiciary

concerning their multiagency efforts to address the response to abuse of students at the Governor Baxter School for the Deaf and the provision of services to the Deaf community. Reports are due by August 1, 2000 and January 31, 2001.

Resolve 1999, chapter 127 was finally passed as an emergency measure effective May 10, 2000.

PASSED **JOINT ORDER – Relative to the Committee to Study the Further Decriminalization of the Criminal Laws of Maine** **HP 1914**

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Joint Order HP 1914 creates the Committee to Study Further Decriminalization of the Criminal Laws of Maine consisting of 5 legislators. The committee will review criminal laws and determine whether it is appropriate to classify the prohibited conduct as criminal. The committee's reporting date is November 1, 2000. This Joint Order was passed without reference to a committee.

PASSED **JOINT ORDER – Relative to the Commission on the Study and Prevention of Child Abuse** **HP 1930**

<u>Sponsor(s)</u> TRAHAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-723 PINGREE
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Joint Order HP 1930 creates the Commission on Child Abuse consisting of five legislators. The commission will examine the current policies and public and private programs and resources related to physical and sexual abuse of children. The commission may accept public testimony. The commission may identify means to coordinate the available programs and resources to prevent and respond to child abuse. The commission's reporting date is November 1, 2000.

Labor

PUBLIC 537 **An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit** **LD 1091**

<u>Sponsor(s)</u> MCKEE DAGGETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-785
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Public Law 1999, chapter 537 provides that annual payment of contributions for purchase of back time, repayment of contributions or purchase of service credit by members of the Maine State Retirement System may be made by periodic payments through payroll deduction in addition to a single annual payment which was previously authorized by law. Whichever method of payment is used, the new law also requires that payments must be made at a rate that will allow for some progress in the purchase of credit rather than just paying off the interest. The change in the law takes effect March 1, 2001.

PUBLIC 555 **An Act to Correct Inconsistencies of the Taxable Wage Amount in the Unemployment Compensation Law** **LD 2419**

<u>Sponsor(s)</u> HATCH	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 555 amends a definition in the unemployment compensation law to reflect the change in the taxable wage amount from \$7,000 to \$12,000, which was made in the First Regular Session of the 119th Legislature.

PUBLIC 610 **An Act to Clarify the Workers' Compensation Laws Regarding the Agricultural Laborer Exemption** **LD 1995**

<u>Sponsor(s)</u> PIEH KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-857
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Public Law 1999, chapter 610 revises the provision of law exempting certain agricultural employees from the workers' compensation law. It provides that employers of agricultural or aquacultural employees are exempt from the requirement to provide workers' compensation coverage if they employ 6 or fewer such laborers or they employ more than 6 but the total number of hours worked by all such laborers in a week does not exceed 240 and has not exceeded 240 in any week during the year prior to an injury.

Labor

PUBLIC 614 An Act to Amend Requirements for Maine Technical College System Employees Participating in a Defined Contribution Plan LD 2410

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH DOUGLASS	OTP-AM	H-895

Public Law 1999, chapter 614 amends the law establishing a defined contribution retirement plan option for certain employees of the Maine Technical College System to be consistent with the reduction from 10 to 5 years of the amount of creditable service necessary to qualify for a Maine State Retirement System benefit, which was enacted last year. The requirement that eligible MTCS employees who are members of the Retirement System and who do not have at least 10 years of creditable service must apply for a refund of accumulated contributions to the Retirement System is changed to say that any member who has less than the number of years of creditable service required for eligibility for a benefit must seek a refund.

PUBLIC 649 An Act to Encourage Responsible Employment Practices LD 810

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART SHIAH	OTP-AM MAJ ONTP MIN	S-535

Public Law 1999, chapter 649 authorizes the Director of the Bureau of Labor Standards within the Department of Labor to review information relating to an employer's compliance with workers' compensation and unemployment compensation laws during investigations to enforce laws under the jurisdiction of that bureau. It also requires the director to report suspected violations of workers' compensation and unemployment compensation laws to the agencies responsible for enforcing them.

PUBLIC 659 An Act to Clarify Application of the Employment Leave Law for Victims of Violence LD 2613

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

Public Law 1999, chapter 659 provides that the employment leave law for victims of violence applies to all employers, not just to employers covered by the family medical leave law.

Labor

PUBLIC 705 An Act to Increase Access to High-quality Jobs Through the LD 2498
Federal Workforce Investment Act

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM MAJ ONTP MIN	S-577

Public Law 1999, chapter 705 provides that a person in training under the federal Workforce Investment Act is deemed to be in approved training for purposes of qualifying for unemployment benefits, but provides that the law is not effective if inconsistent with federal law.

PUBLIC 740 An Act to Establish a Method of Determining Employer LD 2588
Contributions to the Unemployment Compensation Trust Fund

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	S-650 S-711 LAFOUNTAIN

Public Law 1999, chapter 740 provides a method for determining the total amount that employers must contribute to the unemployment compensation fund each year, based on the number of months of benefits that could be paid by the fund at the time the determination is made. The total amount, known as the “planned yield”, is expressed as a percent of total wages paid in Maine for employment covered by the unemployment compensation law. The planned yield is determined by a table, which is designed to cap the fund at between 20 and 21 months of benefits. The law also requires that any legislative measure proposing to change unemployment compensation benefits be reviewed and evaluated by the Department of Labor before the public hearing on the proposal. The department must report its findings on matters including the impact of the proposed change on total costs, employer contributions, and recipient groups to the legislative committee considering the proposal.

PUBLIC 744 An Act to Amend the Laws Governing the Designation of a LD 1790
EMERGENCY Beneficiary of Maine State Retirement System Benefits

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY	OTP-AM	S-684 S-715 MURRAY

Public Law 1999, chapter 744 expands the retirement benefit payment options available to members of the Maine State Retirement System and the notice requirements to spouses of those members. A retiree may make a one-time change of the retiree's previously designated beneficiary for retirement benefits without the permission of the beneficiary if the beneficiary is not the spouse or ex-spouse of the retiree. The new beneficiary receives

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benefits under the same terms and conditions as the prior beneficiary and only until the new beneficiary dies or during the actuarially determined expected life of the prior beneficiary, whichever occurs first.

Three new retirement benefit payment options are established that allow a retiree, in certain circumstances, to have the retiree's reduced benefit restored to full benefits if the named beneficiary dies before the retiree. The new law authorizes the option of concurrent payments of retirement benefits to a retiree and a beneficiary during the life of the retiree. Notice to a member's spouse is required if the member elects a retirement option that does not name the spouse as beneficiary

Public Law 1999, chapter 774 was enacted as an emergency measure effective May 3, 2000. However, chapter 744 was amended in the Errors Bill (Public Law 1999, chapter 790, part K) so that only the provisions authorizing a one-time change of a non-spousal beneficiary without the permission of the beneficiary take effect immediately. The other provisions of chapter 744 take effect August 11, 2000.

PUBLIC 750 An Act to Limit Mandatory Overtime

LD 1019

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM A	H-1145 HATCH
RUHLIN	ONTP B	H-893
	OTP-AM C	

Public Law 1999, chapter 750 prohibits an employer from requiring an employee to work more than 80 overtime hours in any period of 2 calendar weeks and prevents the employer from retaliating against an employee who does not consent to work those hours. The following employees and types of work are exempted from the limit: essential public service workers such as utility workers and road maintenance crews, seasonal employees, executives whose annual salary exceeds 3000 times the minimum wage, employees who work during a shut-down operation for annual maintenance, medical interns and residents working in health care facilities, fisheries employees, agricultural workers, domestic workers, salespeople, camp counselors, cottage industry workers, employed immediate family members and work performed in response to an emergency declared by the Governor under state law.

PUBLIC 756 An Act to Establish Consistent Requirements in Maine State Retirement System Plans for Minimum Creditable Service for Eligibility to Receive Retirement Benefits

LD 2614

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM MAJ	H-1110
DOUGLASS	OTP-AM MIN	

Public Law 1999, chapter 756 changes the minimum amount of creditable service required for eligibility to receive retirement benefits from 10 years to 5 years for employee members of participating local districts and members of the state legislative retirement system and the judicial retirement system. The reduction in required creditable service was enacted last year for state employees and teachers. This change provides consistency in

Labor

the laws governing the retirement of legislators, judges and participating local district employees and those governing state employees and teachers.

P & S 69 **An Act to Establish the Administrative Operating Budget for the** **LD 2352**
EMERGENCY **Maine State Retirement System for the Fiscal Year Ending June 30,**
2001

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-844
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Private and Special Law 1999, chapter 69 establishes the administrative operating budget for the Maine State Retirement System for fiscal year 2000-2001 in the amount of \$8,387,142. Referral of the budget to the Labor Committee and approval by the Legislature has been required since the system was granted independent agency status in 1993.

Private and Special Law 1999, chapter 69 was enacted as an emergency measure effective July 1, 2000.

RESOLVE 108 **Resolve, Regarding Legislative Review of Chapter 9: Rules** **LD 2590**
EMERGENCY **Governing Administrative Civil Money Penalties for Labor Law**
Violations, a Major Substantive Rule of the Department of Labor

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 1999, chapter 108 authorizes the Department of Labor to finally adopt a rule governing administrative civil money penalties for labor law violations. The rule includes a formula for determining the amount of a penalty, based on gravity of the violation, the employer's size and history of previous violations, and the absence or presence of good faith on the part of the employer.

Resolve 1999, chapter 108 was finally passed as an emergency measure effective April 10, 2000.

RESOLVE 115 **Resolve, Relating to Protection from Bloodborne Pathogens for** **LD 2185**
EMERGENCY **Maine Workers**

<u>Sponsor(s)</u> FULLER KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-948 H-999 BULL
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Resolve 1999, chapter 115 requires the State's Board of Occupational Safety and Health to adopt rules relating to bloodborne pathogens in public sector places of employment that are at least as protective as the federal

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directive governing private sector places of employment. The Resolve also requires the Department of Labor and the Department of Human Services to survey health care providers to collect information on the use of needless systems and other safe needle devices, as well as on plans to adopt such systems. The departments must submit information collected by the survey in a report to the joint standing committee of the Legislature having jurisdiction over labor matters.

Resolve 1999, chapter 115 was finally passed as an emergency measure effective April 14, 2000.

Legal & Veterans' Affairs

PUBLIC 535 **An Act to Amend the Laws Regulating Farm Wineries**
EMERGENCY

LD 2407

<u>Sponsor(s)</u> BRUNO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-795
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Public Law 1999, chapter 535 changes the provisions of a farm winery license. Under this law, the holder of a farm winery license may fortify wine. The licensee may import spirits as long as those spirits are used only for the fortification of wine made by the licensee. PL 1999, chapter 535 also clarifies the difference between fortified wine and spirits and corrects an error in the law regarding the definition and distribution of low-alcohol spirits products.

Public Law 1999, chapter 535 was enacted as an emergency measure effective February 23, 2000.

PUBLIC 565 **An Act to Require the Department of Defense, Veterans and
Emergency Management to Report to the Legislature on Matters
Related to State Veterans Laws**

LD 2330

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-797
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Public Law 1999, chapter 565 requires the Commissioner of Defense, Veterans and Emergency Management to report biennially to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs on recommended changes to the laws governing veterans affairs. It also requires the commissioner to study the laws governing eligibility for state veterans benefits and to report findings and recommendations by December 31, 2000.

PUBLIC 568 **An Act to Clarify Laws Governing Simulcasting**
EMERGENCY

LD 1644

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-807
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Public Law 1999, chapter 568 states that a commercial track may conduct interstate simulcasting of horse races during a regular race meet at the track. This law also changes the liquor laws by permitting a minor who is at least 18 years of age on the premises of a class A lounge where harness horse racing is conducted.

Public Law 1999, chapter 568 was enacted as an emergency measure effective March 21, 2000.

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PUBLIC 586 **An Act to Direct the State Liquor and Lottery Commission to Pursue Partnerships to Enhance Lottery Revenues** **LD 2292**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY LABRECQUE	OTP-AM MAJ OTP MIN	S-506

Public Law 1999, chapter 586 enables Maine, New Hampshire and Vermont to expand the number of states that may be members of the Tri-State Lotto Compact. In order to take effect, such a change to the compact requires approval by the legislatures of New Hampshire and Vermont.

The law also directs the State Liquor and Lottery Commission to examine the possibility and feasibility of the state's membership in the "Big Game" lottery or other similar multi-state lottery compacts.

PUBLIC 589 **An Act to Clarify the Law Relating to the Renewal of Liquor Licenses** **LD 2298**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-509

Public Law 1999, chapter 589 states that the provision which automatically grants the renewal of an on-premise liquor license if the municipal officers or county commissioners do not act within 60 days, does not apply when the existing license has been extended while the renewal application is being processed. The law also states that the municipal officers or county commissioners must make a final decision on the renewal within 120 days.

PUBLIC 622 **An Act to Allow for Expeditious Improvements to Commercial Tracks** **LD 1438**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-541

Public Law 1999, chapter 622 allows the Harness Racing Commission to give interim payments to commercial tracks that are licensed to conduct harness racing. The money for these payments comes from the commercial meet account, which is funded by the revenue credited to the General Fund in excess of \$35,000,000. The law allows commercial tracks to request reimbursements for improvements made to their facilities during prior years beginning January 1, 2000. Under this law a track may accumulate its balance from reimbursements from year to year, allowing them to fund large capital improvements. This law also specifies that capital improvements are a substantial enhancement to property and do not include routine repairs and maintenance.

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PUBLIC 645 **An Act to Improve the Absentee Voting Process**
EMERGENCY

LD 1796

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT TUTTLE	OTP-AM	S-515

Public Law 1999, chapter 645 allows a voter to vote by absentee ballot at any election and removes past requirements for stating the reason for permitting a person to vote by absentee ballot. This law also clarifies the procedures for requesting an absentee ballot. This law imposes an earlier deadline on candidates who wish to inspect absentee ballots before they are processed. A candidate must notify the clerk by 5 pm the day before an election regarding the intent to inspect. The candidate then has 30 minutes to inspect absentee ballots.

Public Law 1999, chapter 645 was enacted as an emergency measure effective April 10, 2000.

PUBLIC 648 **An Act to Modify the Campaign Finance Laws with Regard to**
Running for Federal Office

LD 2153

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	OTP-AM	H-892

Public Law 1999, chapter 648 clarifies a provision of current law by stating that a legislator running for federal office is not prohibited from soliciting or accepting contributions for that office while the Legislature is in session.

PUBLIC 677 **An Act to Promote Microbreweries and Wineries**

LD 2571

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	OTP-AM MAJ ONTP MIN	H-1006

Public Law 1999, chapter 677 creates a special taste-testing festival license for the purposes of promoting Maine brewery and winery products. The license is applied for jointly by breweries and wineries. The license fee for each brewery or winery participating in the festival is \$20. A brewery or winery may participate in one taste-testing festival annually. A brewery or winery may not offer samples in return for money but the festival may charge an admission fee. A person attending the festival is limited to 12, four-ounce samples or other amounts not to exceed 48 ounces. Persons under the age of 21 are not permitted at the festival unless accompanied by an adult or legal guardian.

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PUBLIC 696 **An Act to Enter Into the International Emergency Management Assistance Compact**

LD 2648

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT TUTTLE	OTP-AM	S-631

Public Law 1999, chapter 696 adopts the International Emergency Management Assistance Compact. The compact provides a framework for mutual assistance between the New England states and the eastern provinces of Canada that adopt the compact in managing emergencies or disasters.

Public Law 1999, chapter 696 was enacted as an emergency measure effective April 13, 2000.

PUBLIC 700 **An Act to Clarify Responsibilities for the Maintenance of Veterans' Grave Sites**

LD 873

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE BERRY R	OTP-AM	H-995 COWGER S-581

Public Law 1999, chapter 700 clarifies the law pertaining to municipalities' responsibilities for maintaining veterans' graves established before 1880. Under this law a municipality may be fined \$100 per complaint for a grave that has not been maintained. If the municipality continues to neglect the grave(s), after 2 weeks upon receiving notice, an additional \$100 fine will be imposed. Fines accumulate every 2 weeks that the grave is neglected.

Public Law 1999, chapter 700 also provides that a municipality may sue for access to graves that they are required to maintain which are on private land unless the owner agrees to maintain the grave(s) to statutory standards.

The law also removes a provision which provided that municipal cemeteries had the option to erect a single flagpole in the cemetery to recognize veterans on Memorial Day. With that option gone, municipal cemeteries must place individual flags on each veteran's grave.

PUBLIC 712 **An Act to Amend the Laws Governing Municipal Elections**

LD 2293

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP-AM MAJ ONTP MIN	H-1104 TUTTLE S-552

Public Law 1999, chapter 712 provides municipalities with the option of delegating their responsibility to decide how to count disputed or challenged ballots in a municipal election. To implement this option the municipality

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may pass an ordinance or execute an order. The decision on how to count the ballots may be delegated to either the Superior Court or an independent panel. The law also allows candidates who are contesting an election result to agree to extend the 30-day period within which an appeal to court must be filed.

PUBLIC 716 **An Act to Amend the Control of the Revenue Generated by Games**
EMERGENCY **of Chance at the Agricultural Fairs**

LD 2462

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIZMAR	OTP-AM MAJ ONTP MIN	H-1045 S-647 DAGGETT

Public Law 1999, chapter 716, specifies that agricultural fair societies licensed to operate games of chance may use the proceeds of those games to pay the wages of those who operate the games as long as the amount does not exceed 300% of the minimum wage established by Maine law. This law states that a licensed distributor of gambling machines may lease equipment to agricultural fair societies licensed to conduct games of chance as long as the lease amount does not exceed 50% of the gross revenue of any licensed game of chance. Under this law, the maximum bet on a game of chance was increased from 50 cents to one dollar.

Public Law 1999, chapter 716 also requires, beginning January 1, 2001, that games of chance at agricultural fairs which are operated by persons other than members of the agricultural fair society or a bona fide nonprofit be conducted using tokens, tickets or some other device approved by the Chief of the State Police by rule.

Public Law 1999, chapter 716 was enacted as an emergency measure effective April 14, 2000.

PUBLIC 729 **An Act Relating to Reporting Requirements for Political Action**
 Committees on the Flexibility of the Commission on Governmental
 Ethics and Election Practices to Assess Penalties

LD 2663

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-666

Public Law 1999, chapter 729 makes changes to the laws governing the filing of campaign finance forms by providing the Commission on Governmental Ethics and Election Practices with more flexibility to accept campaign finance reports late without penalty if the reason is a valid emergency. It also requires that any changes to the campaign finance reporting form be adopted by rule. These rules are considered major substantive rules.

In response to Volle v. Webster, this law changes the threshold at which persons or organizations that are considered Political Action Committees (PACs) must file an itemized report. Under this law, that amount is changed from \$50 to \$1500. Public Law 1999, chapter 729 also requires persons or organizations that are not considered PACs and solicit and receive contributions or make expenditures, other than by contribution to a political action committee, for the purpose of initiating, promoting, defeating or in any way influencing the

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outcome of a ballot question aggregating in excess of \$1500 to file a report with the Commission on Governmental Ethics and Election Practices. This report is less detailed than those required of PACs.

This law also states that candidates who have filed a declaration of intent to become certified under the Maine Clean Election Act are not required to file whether or not they accept the voluntary limits on political expenditures. Candidates who do not intend to be certified under the Maine Clean Election Act are required to file this form stating whether or not they agree to limits on political expenditures.

PUBLIC 745 An Act to Amend the Lobbyist Registration Fee Provisions LD 1504

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP-AM	S-582

Public Law 1999, chapter 745 reduces the registration fee paid annually by lobbyists and lobbyists' associates from \$400 and \$200 to \$200 and \$100, respectively.

PUBLIC 760 An Act to Amend the Liquor Laws to Create a New Category of License for Pool Halls and Exempt Them from the Prohibition Against Smoking LD 2533

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-1004 H-1168 TUTTLE

Public Law 1999, chapter 760 defines pool hall within the liquor laws and includes pool halls among other facilities which may apply to obtain licenses to serve beer and wine to be consumed on the premises. Under this law, pool halls are exempt from the ban on smoking when persons under the age of 18 are prohibited from being on the premises.

RESOLVE 121 Resolve, to Establish the National Guard Education Assistance Pilot LD 2585
EMERGENCY Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUHLIN ROWE	OTP-AM	S-583 S-791 MICHAUD

Resolve 1999, chapter 121 creates a pilot program that gives members of the Maine National Guard a full grant of tuition at the University of Maine System, Maine Maritime Academy, the Maine Technical College System and any other Maine post-secondary education institution as long as the member maintains at least a 2.0 grade point average and serves in the Maine National Guard for at least one year after the tuition is granted. If a

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member attends the University of Maine System, Maine Maritime Academy or the Maine Technical College System then the member qualifies for in-state tuition rates.

Resolve 1999, chapter 121 was finally passed as an emergency measure effective May 5, 2000.

RESOLVE 133 Resolve, Directing the Commission on Governmental Ethics and Election Practices to Adopt Rules Regulating Push Polling LD 1257

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	ONTP MAJ	H-1185 TRAHAN
GLYNN	OTP-AM MIN	

Resolve 1999, chapter 133 requires the Commission on Governmental Ethics and Election Practices to adopt rules regulating push polling including sanctions for candidates whose campaigns violate those rules. Rules adopted under this provision are considered major substantive rules.

CON RES 3 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Persons with Mental Illness to Vote LD 2162

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM	H-796
DAGGETT		H-850 MARTIN

Constitutional Resolution 1999, chapter 3, upon approval by a majority of voters at referendum, will remove the current restriction that prohibits persons under guardianship for reasons of mental illness from voting. If a majority of the voters do not approve removing this restriction, this provision of the Constitution will stay the same.

Marine Resources

PUBLIC 534 An Act Regarding Elver Fishing Licenses
EMERGENCY

LD 2356

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-503
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Public Law 1999, chapter 534 limits the total number of elver fishing licenses in any year to 827 and changes the eligibility requirements for elver fishing licenses. It authorizes a person who held an elver fishing license in the previous calendar year to be issued a license and it authorizes a person who held an elver fishing license in any 2 of the years 1996, 1997 and 1998 to enter a lottery for an elver fishing license for the 2000 elver season. It requires the Commissioner of Marine Resources to hold a lottery for 2000 licenses and limits the number of licenses that may be awarded through that lottery to 86. It authorizes anyone to enter a lottery for an elver fishing license for the 2001 elver season and subsequent seasons and specifies that the number of persons awarded eligibility in a lottery may not cause the total number of elver fishing licenses issued to exceed 827.

The law authorizes a person who held an elver fishing license in the previous calendar year to use the type and amount of gear that person was authorized to use during the previous elver fishing season. It authorizes a person issued a license for the 2000 elver season based on the lottery to use an amount of gear based on that person's historical average amount of gear, but not more than 2 nets or traps. It authorizes a person issued a license for the 2001 elver season or subsequent seasons based on the lottery to use one net or one trap.

Public Law 1999, chapter 534 was enacted as an emergency measure effective February 23, 2000.

PUBLIC 567 An Act to License Certain Aquaculture Activities

LD 1634

<u>Sponsor(s)</u> GOLDTHWAIT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-508
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Public Law 1999, chapter 567 establishes a limited-purpose aquaculture license that authorizes the license holder to utilize approved aquaculture gear to engage in certain aquaculture activities and specifies the criteria for a license. The law prohibits a person from molesting approved aquaculture gear and establishes penalties for cutting or damaging gear. The law also establishes the Aquaculture Research Fund.

**PUBLIC 575 An Act Concerning the Possession of Marine Organisms by
Aquaculturists Outside of the Harvest Season**

LD 2351

<u>Sponsor(s)</u> ETNIER HONEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-809
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Public Law 1999, chapter 575 exempts an aquaculture leaseholder from any requirement regarding the time of taking or possessing any marine organism cultivated on the leased area.

Marine Resources

PUBLIC 576 An Act to Prohibit Dragging in a Portion of the Taunton River Area
EMERGENCY

LD 2451

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM GOLDTHWAIT	OTP MAJ ONTP MIN	H-821 SKOGLUND

Public Law 1999, chapter 576 prohibits a person from fishing with a drag in the coastal waters inland of the Route 1 bridge that connects the towns of Hancock and Sullivan in Hancock County until March 1, 2005. The law requires the Department of Marine Resources to submit a report by February 1, 2004 to the Legislature regarding whether the prohibition on dragging in the Taunton River area remains necessary or advisable.

Public Law 1999, chapter 576 was enacted as an emergency measure effective March 22, 2000.

PUBLIC 591 An Act to Change the Aquaculture Lease Process

LD 2464

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	OTP-AM	H-827

Public Law 1999, chapter 591 amends the aquaculture lease process by requiring the Commissioner of Marine Resources, upon determining that an application for an aquaculture lease is complete, to send a copy of the completed application and notice of hearing to the known riparian owners within 1,000 feet of the proposed lease and to the municipalities in which or adjacent to which the lease is proposed and by requiring the lease applicant to give at least 2 weeks' notice of the hearing on the lease by advertising in a newspaper of general circulation. The law also requires the Department of Marine Resources to submit a report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding its ongoing review of the aquaculture lease process.

PUBLIC 643 An Act to Establish an Appeals Process for License Denial Under
EMERGENCY Limited-entry Fisheries

LD 2584

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1003

Public Law 1999, chapter 643 changes the appeals process for a person who is denied a Class I, Class II or Class III lobster and crab fishing license because that person did not possess a license in the previous calendar year and establishes an appeals process for a person who is denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license because that person did not possess the same license in the previous calendar year. The law authorizes the Commissioner of Marine Resources to issue a license on appeal if the person meets certain criteria, including having been prevented from meeting the eligibility requirements because of a substantial illness or medical condition or a period of military service and

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having documented landings while in possession of a license within one year prior to the onset of the illness or medical condition or within one year prior to entering military service.

The law restores the provision that authorized a Class I, Class II or Class III lobster and crab fishing license to be issued to a person who did not possess the license in the previous calendar year because the commissioner had suspended the person's license for a length of time that included the previous calendar year. The law requires a person whose Class I, Class II or Class III lobster and crab fishing license has been suspended for more than one year to appear in person before the commissioner prior to being issued a Class I, Class II or Class III lobster and crab fishing license.

The law authorizes a lobster and crab fishing license holder who was issued 300 or fewer trap tags for the 2000 license year because that person had purchased no trap tags as of November 20, 1998 because of a substantial illness or medical condition or a period of military service to appeal to the commissioner for additional trap tags.

The law authorizes a person who is issued a lobster and crab fishing license on appeal based on a substantial illness or medical condition or after a license suspension to declare a limited-entry zone as that person's declared lobster zone if the person was authorized to fish a majority of that person's lobster traps in that zone in the most recent year in which the person held a license. The person may not be counted for the purposes of the exit ratio or the number of new zone entrants that may be authorized for that zone.

The law repeals the current medical exception and license transfer provisions for handfishing sea urchin licenses, sea urchin dragging licenses and sea urchin hand-raking and trapping licenses.

Public Law 1999, chapter 643 was enacted as an emergency measure effective April 7, 2000.

**PUBLIC 658 An Act to Alter Eligibility for Lobster and Crab Fishing Licenses
for Persons Who are 65 Years of Age or Older**

LD 2577

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-950
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Public Law 1999, chapter 658 repeals the provision that allows a person who did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year to be issued a Class I, Class II or Class III lobster and crab fishing license if that person is 65 years of age or older and has previously held a lobster and crab fishing license.

Marine Resources

PUBLIC 693 **An Act Regarding Waiting Lists for Limited-entry Lobster**
EMERGENCY **Management Zones**

LD 2583

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-1042

Public Law 1999, chapter 693 authorizes a lobster management policy council that is proposing to limit new zone entrants to the zone to also propose to the Commissioner of Marine Resources the adoption of rules allowing apprentice or student lobster and crab fishing license holders who became eligible for a Class I, Class II or Class III license prior to January 1, 2000 to be issued a license that identifies the limited-entry zone as that person's declared lobster zone.

The law clarifies the process for a person to request to declare a limited-entry zone as the person's declared lobster zone and requires the Commissioner of Marine Resources to create a waiting list for a zone at the time the commissioner closes the zone pending rulemaking to establish an exit ratio for that zone. The law also establishes a process for people who became eligible for a Class I, Class II or Class III lobster and crab fishing license prior to the effective date of this legislation to be put on a waiting list according to the date they became eligible.

Public Law 1999, chapter 693 was enacted as an emergency measure effective April 13, 2000.

P & S 61 **An Act to Enhance the Conservation of Atlantic Salmon**
EMERGENCY

LD 2504

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

Private and Special Law 1999, chapter 61 appropriates funds to the Bureau of Land and Water Quality in the Department of Environmental Protection and to the Atlantic Salmon Commission to carry out an Atlantic salmon conservation plan.

Private and Special Law 1999, chapter 61 was enacted as an emergency measure effective January 26, 2000.

Marine Resources

P & S 94 An Act to Improve Elver Fishery Management
EMERGENCY

LD 906

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM MAJ ONTP MIN	S-543 S-745 MICHAUD

Private and Special Law 1999, chapter 94 makes a one-time appropriation of \$25,000 to support the operational costs of research and management of the elver fishery.

Private and Special Law 1999, chapter 94 was enacted as an emergency measure effective May 10, 2000.

Natural Resources

**PUBLIC 557 An Act to Clarify the Laws Governing Solid Waste Disposal
Districts**

LD 2350

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

Public Law 1999, chapter 557 clarifies current law regarding voting by the board of directors of a refuse disposal district by specifying that directors from the same municipality do not have to vote together but may vote independently of each other.

PUBLIC 562 An Act to Encourage Environmental Management Systems

LD 1519

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM	H-801

Public Law 1999, chapter 562 requires the Commissioner of Environmental Protection to develop and implement an environmental management system incentive program to encourage entities to develop and implement environmental management systems that, at a minimum, conform to international standards, comply with all applicable environmental laws, rules and regulations and prevent and reduce pollution. The incentives may include alternative schedules for routine compliance inspections, alternative record-keeping and reporting systems and public recognition by the commissioner.

The law establishes a repeal date of December 31, 2002 for the environmental management system incentive program and requires the Department of Environmental Protection to submit a report to the Legislature by January 15, 2002 with an evaluation of the incentive program and any recommendations for changes.

PUBLIC 564 An Act to Address Financial Inequities in Special Waste Fees

LD 2325

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

Public Law 1999, chapter 564 provides that a municipal or regional association landfill that accepted 550 tons or more of oil-contaminated soil, gravel, brick, concrete and other aggregate in calendar year 1998 shall pay \$5 per ton for that category of waste.

Natural Resources

PUBLIC 582 An Act to Amend the Low-emission Vehicle Program

LD 2278

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY	OTP-AM MAJ	H-839 MARTIN
MARTIN	ONTP MIN	S-486

Public Law 1999, chapter 582 repeals the state triggers for the low-emission vehicle program; provides that the low-emission vehicle program may not include the adoption, sale or use of California reformulated gasoline; removes obsolete language concerning a study that was due January 1, 2000; requires that, by December 1, 2000, the Board of Environmental Protection evaluate the feasibility of the State's zero-emission vehicle mandate in existence on March 1, 2000; and specifies that, following the evaluation, any rule adopted by the board that contains a zero-emission vehicle mandate is a major substantive rule.

**PUBLIC 585 An Act to Implement the Recommendations of the Joint Standing
Committee on Natural Resources Relating to the Review of the
Advisory Commission on Radioactive Waste and Decommissioning
Under the State Government Evaluation Act**

LD 2587

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

Public Law 1999, chapter 585 implements the recommendations made by the Joint Standing Committee on Natural Resources as a result of the committee's review of the Advisory Commission on Radioactive Waste and Decommissioning under the State Government Evaluation Act. The law extends the termination date of the commission from June 30, 2000 to June 30, 2006, subjects the commission to its next State Government Evaluation Act review beginning in 2005, and requires the commission to issue a report in 2002 with recommendations for altering the funding formula in the event the Maine Yankee Atomic Power Company plant in Wiscasset no longer generates low-level radioactive waste.

**PUBLIC 604 An Act Relating to the Cleanup of the Wells Waste Oil Disposal Site
EMERGENCY**

LD 2639

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

Public Law 1999, chapter 604, reported by the Joint Standing Committee on Natural Resources pursuant to Public Law, extends the date of final disbursement of funds from the Wells Waste Oil Clean-up Fund from April 1, 2000 to June 30, 2000 and clarifies that eligibility for loans or grants from the fund are limited to persons who are participants in a settlement agreement under which an entity has assumed liability for total response costs at the Wells waste oil disposal site.

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Public Law 1999, chapter 604 was enacted as an emergency measure effective March 31, 2000.

PUBLIC 635 An Act to Prevent Contamination from Home Heating Oil Tanks LD 2377

<u>Sponsor(s)</u> NUTTING J MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-566
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Public Law 1999, chapter 635 extends and increases funding for the oil storage tank repair and replacement program funded from the Ground Water Oil Clean-up Fund. It also requires the Department of Environmental Protection to report by January 1, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on various aspects of the programs.

PUBLIC 640 An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks LD 2621

<u>Sponsor(s)</u> CAREY TESSIER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-618
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Public Law 1999, chapter 640 extends the date after which a person may not operate, maintain or store oil in certain underground oil storage tanks to July 1, 2002. It also provides that the tank piping must be subject to monthly visual inspection.

PUBLIC 655 An Act to Rid Maine's Waters of Ocean Vessel Sewage LD 2375

<u>Sponsor(s)</u> NUTTING J COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-567
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Public Law 1999, chapter 655 requires the Department of Environmental Protection to review the availability of pump-out stations at marinas, to apply for federal grant money and to develop a plan for the construction, renovation and maintenance of pump-out facilities necessary to meet the needs of watercraft using the coastal waters of the State. The law also requires the department to educate vessel owners and operators about the problem of sanitary waste discharges from vessels and to inform them of the locations of pump-out facilities; to apply to the United States Environmental Protection Agency by January 15, 2005 for designation of the first 50 significant harbors or bays in the territorial waters of the State, as identified by the Commissioner of Environmental Protection, as no-discharge zones; and to submit several related reports to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

The law expands to noncommercial marinas the requirement in current law for a marina to provide a pump-out facility or, through a contractual agreement, a facility to remove sanitary waste from the holding tanks of

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watercraft. It requires the Commissioner of Environmental Protection to award grants for the costs of pump-out facilities and contractual agreements using state and federal funds. The commissioner shall pay 90% of the costs at municipal marinas and up to 75% of the costs at other marinas. The law specifies that marinas are not required to meet the requirement to provide a pump-out facility until a grant is issued to that marina.

PUBLIC 684 **An Act to Improve Air Quality through Market Incentives for the Purchase of Cleaner Vehicles** **LD 2182**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON PINGREE	OTP-AM	H-1038

Public Law 1999, chapter 684 creates a pilot incentive voucher program designed to encourage the retirement of older, high-emission vehicles and the purchase of newer, low-emission vehicles; requires the Department of Environmental Protection and the Finance Authority of Maine to provide annual reports on the program and requires the department in its 2003 report to provide an evaluation of whether the pilot program should be continued; repeals the pilot incentive voucher program on November 1, 2003; requires the Department of Environmental Protection to undertake an examination of methods and strategies for achieving reductions and maintaining levels of mobile-source emissions that will ensure compliance with federal air quality standards and to develop a mobile-source-emission-reduction plan that includes the most effective and cost-efficient methods and strategies; authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation concerning mobile-source-emission-reduction methods to the First Regular Session and the Second Regular Session of the 120th Legislature.

PUBLIC 691 **An Act Regarding Property Owners Whose Land Abuts a Solid or Special Waste Landfill** **LD 1209**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRACY	OTP-AM	H-1028

Public Law 1999, chapter 691 requires that biannual testing of private water supply wells be performed at the written request of a person who owns property abutting a commercial solid waste disposal facility that accepts special waste for landfilling and requires the licensee to pay for the testing. The law requires the testing to be conducted by a certified laboratory selected by the property owner and in a manner specified by and meeting criteria developed by the Department of Environmental Protection. The law also requires a licensee to provide owners of property abutting the facility with written notice of their right to water quality testing.

Natural Resources

PUBLIC 709 An Act Relating to MTBE

LD 21

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRIPP	OTP-AM MAJ	H-1067
LIBBY	OTP-AM MIN	

Public Law 1999, chapter 709 establishes certain labeling requirements for motor fuel dispensers that dispense automobile gasoline containing MTBE; requires the Department of Environmental Protection to monitor and report on the levels of MTBE being brought into the State; directs the department to undertake all reasonable efforts to promote and be an active participant in regional efforts by state regulatory agencies in the Northeast to develop alternatives to the use of MTBE as a gasoline additive; establishes as a goal for the department in its work in regional forums the elimination of MTBE in gasoline sold in Maine by January 1, 2003 in a manner that adequately accounts for market constraints related to supply and pricing and, based on thorough analysis and evaluation of alternatives to the use of MTBE, ensures the lowest possible total environmental impact; requires the department to make annual reports to the Joint Standing Committee on Natural Resources on progress made in regional efforts to remove MTBE from gasoline; and authorizes the Joint Standing Committee on Natural Resources to report out to any session of any legislature legislation on MTBE in gasoline.

**PUBLIC 713 An Act to Provide Assistance in the Cleanup of the Plymouth Waste
EMERGENCY Oil Site**

LD 2339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	OTP-AM MAJ	H-1040
	OTP-AM MIN	

Public Law 1999, chapter 713 creates an interest-free loan program for persons who have obligated themselves to pay for the remedial investigation and feasibility study at the Plymouth waste oil site.

Public Law 1999, chapter 713 was enacted as an emergency measure effective April 14, 2000.

**PUBLIC 714 An Act Regarding Oil Storage Facilities and Groundwater
Protection**

LD 2437

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM	H-877
		H-1049 MARTIN

Public Law 1999, chapter 714 enacts a statute of limitations for the Board of Underground Oil Storage Tank Installers to bring an action against a certified underground oil storage tank installer relating to a tank or equipment installed on or after September 16, 1991. Such an action must be brought within 3 years of discovery of a violation but no more than 15 years from the date of installation.

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The law requires the Department of Environmental Protection to convene a task force to review the current framework for regulating aboveground oil storage tanks and submit a report on field-constructed bulk storage tanks by March 1, 2001 and a report on aboveground oil storage tanks by January 2, 2002; it requires the department to review the insurance coverage available for cleanup of prohibited discharges of oil and submit a report by May 15, 2001 with its findings and any recommendations; and it requires the department to review, in consultation with the Fund Insurance Review Board, the Ground Water Oil Clean-up Fund and submit a report by December 15, 2000 with its findings and recommendations.

PUBLIC 720 An Act Regarding Discharges from Small Fish Hatcheries That LD 2509
Operated Prior to 1986

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT KILKELLY	OTP-AM	H-1039

Public Law 1999, chapter 720 authorizes discharges from fish hatcheries into Class A waters, Class GPA waters and waters having a drainage area of less than 10 square miles to continue until practical alternatives exist, as are discharges licensed prior to January 1, 1986, if the discharge was in existence prior to January 1, 1986, the hatchery is licensed by the Department of Inland Fisheries and Wildlife and an application for a waste discharge license is accepted as complete for processing within 90 days of notification that a license is required. The law requires the Department of Environmental Protection to notify a fish hatchery with an unlicensed discharge within 90 days of the effective date of this Act or within 90 days of finding the unlicensed discharge that a waste discharge license is required.

PUBLIC 722 An Act to Prevent the Spread of Invasive Aquatic Plants LD 2581
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON TREAT	OTP-AM	H-970 H-1105 THOMPSON

Public Law 1999, chapter 722 requires the Department of Environmental Protection to undertake an educational program and a control program related to invasive aquatic plants. The law prohibits the transportation of aquatic plants on public roads, prohibits the possession, importation, cultivation, transportation or distribution of invasive aquatic plants in a manner that could cause the plant to get into any state waters and prohibits the sale of invasive aquatic plants after September 1, 2000.

Public Law 1999, chapter 722 was enacted as an emergency measure effective April 14, 2000.

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Public Law 1999, chapter 739 changes certain laws relating to the Maine Yankee Nuclear Facility. It provides that the State Nuclear Safety Inspector is permitted to monitor the removal or material from the site of a nuclear power facility, including taking radiological measurements; clarifies that a municipality must be notified if decommissioning waste is shipped to a recycling or other solid waste facility in the municipality; establishes a radiation dose standard for the site at which the decommissioning of a nuclear power plant has been completed; requires an evaluation of the cumulative risk posed by radiological and chemical contaminants that will remain at the site of a decommissioned nuclear power plant; requires the owner of a nuclear power plant or decommissioned nuclear power plant to comply with all applicable environmental laws and clarifies that the Department of Environmental Protection is authorized to require appropriate monitoring, sampling and other measures to assess and ensure compliance with applicable laws; requires the owner of a nuclear power plant or decommissioned nuclear power plant to provide information to the Department of Environmental Protection necessary for it to establish compliance with applicable laws; makes expressly clear that the bill may not be interpreted as legislative approval of any particular method of handling or disposing of radioactive material, including the method known as "rubblization"; clarifies that the Department of Environmental Protection may require use of liners at the site of a decommissioned nuclear power plant to allow the department to assess and ensure compliance with applicable requirements, including the radiation dose standards established by this law; and modifies a requirement of law that the State own a nuclear waste disposal facility by providing that the state is not required to own the facility if the facility is developed at the site of a decommissioned nuclear power plant in the course of or as a result of the decommissioning process.

See Public Law 1999, chapter 741.

Public Law 1999, chapter 739 was enacted as an emergency measure effective April 26, 2000.

**PUBLIC 741 An Act to Establish Clean-up Standards for Decommissioning
Nuclear Facilities**

LD 2688

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY RINES	OTP-AM	S-713

Public Law 1999, chapter 741 changes the definition of low-level radioactive waste so as to exclude material left at the Maine Yankee Nuclear Power Plant site if all the following conditions are met: the site is approved by NRC for release (under federal standards); no radioactive material from off-site is disposed at the site; the site meets a specified residual radiation dose standard; and any construction demolition debris remaining at the site, other than below-grade, intact structures, meets federal standards established for unrestricted use. Below-grade, intact structures remaining on the site are exempted from the definition of "low-level radioactive waste" only if the site meets the other enhanced state standards established by the bill. The effect of this is that the site, if it meets these standards, would not be considered a low-level radioactive waste disposal or storage facility. A low-level radioactive waste disposal facility, under Maine law, must be owned by the state, requires specific approval of the Legislature, must be licensed by the NRC, and needs specific approval in a statewide referendum.

See Public Law 1999, chapter 739.

Natural Resources

PUBLIC 761 An Act to Improve Public Water Supply Protection

LD 2597

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1106
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Public Law 1999, chapter 761 strengthens notice requirements for projects that could threaten water supplies and requires a municipality to give written notice to a water supplier if certain projects are proposed near its groundwater wells or surface water intakes. It also strengthens the authority of the drinking water program within the Department of Human Services to deny an application for a new water supply in the vicinity of existing potential sources of contamination. The law requires the Land and Water Resources Council to develop an education strategy for public water supply protection aimed at municipalities and the general public.

The law requires the Department of Human Services and the Department of Environmental Protection to jointly hire a consultant to review the drinking water and plumbing control programs and evaluate the strengths and weaknesses of various agencies to house the programs. The consultant shall submit a report outlining the findings of the review to the joint standing committees of the Legislature having jurisdiction over natural resources and human services matters by February 1, 2001.

PUBLIC 773 An Act Regarding the Solid Waste Hauling and Disposal Industry

LD 2442

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-1086 H-1177 TOWNSEND
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Public Law 1999, chapter 773 requires advance notification to the Department of the Attorney General when controlling stock or substantial assets are acquired from a business that is primarily engaged in solid waste or residue hauling and that employs more than 5 individuals. The law establishes a repeal date of 90 days after adjournment of the First Regular Session of the 120th Legislature for the notice requirement.

The law establishes the Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry, composed of 5 members of the Joint Standing Committee on Natural Resources, to conduct a study of market power issues in all aspects of the public and private solid waste hauling and disposal industry. The law specifies that the task force shall submit an interim report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by December 6, 2000 and a final report by December 5, 2001.

Natural Resources

PUBLIC 776 An Act to Implement the Land Use Recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development

LD 2600

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-660
	ONTP MIN	S-792 MICHAUD

Public Law 1999, chapter 776 establishes, but does not fund, the Downtown Leasehold Improvement Fund to assist state agencies in securing space in downtowns whenever possible by providing for capital improvements to real property leases. The law authorizes the Maine Municipal Bond Bank to make loans to municipalities from the Municipal Investment Trust Fund for downtown improvements. The law establishes the Maine Downtown Center to encourage downtown revitalization in Maine communities through advocacy, information, training and technical assistance to communities.

The law limits the State to making certain state growth-related capital investments only in locally designated growth areas as identified in local comprehensive plans, or, if there is no comprehensive plan, to areas with public sewers capable of handling the development, to areas identified as census designated places or to compact areas of urban compact municipalities as defined in transportation law. The law defines state growth-related capital investments as investment by the State in the following 5 types of projects: newly constructed multifamily rental housing; industrial or business parks; sewer, water and other utility lines; public service infrastructure, public facilities and community buildings; and state office buildings, state courts and other state civic buildings. Exceptions are made for certain types of projects. The law requires the Bureau of General Services to develop site selection criteria for state facilities that give preference to priority locations, identified as service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities.

The law requires the State Board of Education to adopt major substantive rules relating to siting of new school construction projects that receive state funding. The law adds school facilities to the list of infrastructure facilities for which impact fees may be used by municipalities.

The law restricts the exemption from review under the site location of development laws for certain developments located in municipalities with capacity to developments located within areas designated as growth areas in those municipalities.

The law directs the Department of Economic and Community Development, the Land and Water Resources Council, the State Planning Office, the Department of Environmental Protection, the Maine State Housing Authority and the State Board of Education to submit reports to the Legislature on various issues related to land use and policies that affect development patterns.

Natural Resources

**PUBLIC 779 An Act to Reduce the Release of Mercury into the Environment
from Consumer Products**

LD 2084

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	H-1174 TOWNSEND
SAVAGE W	ONTP MIN	S-648

Public Law 1999, chapter 779 defines mercury-added products as the following products if they contain mercury added during manufacture: thermostats and thermometers, electrical switches, medical or scientific instruments, electrical devices and lamps. The law requires, beginning January 1, 2002, the labeling of mercury-added products other than mercury-added lamps sold in the State and requires a seller of mercury-added lamps to commercial, industrial or other large users to provide information on the invoice or in a separate document to inform the purchaser that the lamps contain mercury and may not be placed in solid waste destined for disposal.

The law bans the disposal of mercury-added products in a solid waste disposal facility after July 15, 2002 but exempts mercury-added products used in households from that ban until January 1, 2005. The law exempts automobile component parts from the labeling requirement and the source separation requirement until July 15, 2002. The law requires the Department of Environmental Protection to work with dentists to develop a pollution prevention plan for mercury from dental procedures by July 15, 2002.

The law establishes the Mercury Products Advisory Committee to advise the department, the State Planning Office and the Legislature on further actions needed to prevent and reduce environmental releases of mercury from consumer products and requires the committee to report annually beginning January 15, 2002 on the effectiveness and extent of established programs for the collection, transportation and recycling of mercury-added products. The law repeals the Mercury Products Advisory Committee in 2006.

The law establishes requirements for public education and for technical and financial assistance to municipalities. The law also exempts lamps, mercury-containing thermostats, polychlorinated biphenyl ballast and certain batteries from the planning, reporting and fee requirements under the laws relating to toxics use, toxics release and hazardous waste reduction.

**PUBLIC 784 An Act to Implement the Recommendations of the Task Force to
Study the Operation of and Support for the Board of
Environmental Protection**

LD 2547

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1027
	ONTP MIN	S-762 MICHAUD

Public Law 1999, chapter 784 establishes and funds the position of Executive Analyst of the Board of Environmental Protection. The law requires the Chair of the Board to hire an executive analyst no earlier than October 1, 2000. The law specifies that the Commissioner of Environmental Protection shall make

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recommendations to the board regarding matters considered by the board and shall provide the board with the technical services of the department.

The law amends the conflict of interest provision as it applies to the Board of Environmental Protection to require the board to provide a nonbinding advisory opinion as to whether a member has a conflict of interest that may require abstention from a proceeding, unless the member in question objects to the vote.

The law amends the rule-making procedures as they apply to the board to require the board to accept and consider additional public comment on a proposed rule following the close of the formal rule-making comment period provided that the additional public comment is directly related to comments received during the formal rule-making comment period or is in response to changes to the proposed rule.

P & S 98 An Act to Fund the Lakes Heritage Trust Fund LD 2470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE PINGREE	OTP-AM	H-972 S-755 MICHAUD

Private and Special Law 1999, chapter 98 makes a one-time appropriation of \$20,000 to the Lakes Heritage Trust Fund.

RESOLVE 100 Resolve, Regarding Legislative Review of Chapter 119: Motor LD 2615
EMERGENCY Vehicle Fuel Volatility Limit, a Major Substantive Rule of the
Department of Environmental Protection

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

Resolve 1999, chapter 100 provides for legislative approval of Chapter 119: Motor Vehicle Fuel Volatility Limit, a major substantive rule of the Department of Environmental Protection.

Resolve 1999, chapter 100 was finally passed as an emergency measure effective April 5, 2000.

RESOLVE 116 Resolve, to Require the Board of Environmental Protection and the LD 2604
Maine Land Use Regulation Commission to Adopt Consistent Rules
Regarding Cutting and Removal of Vegetation

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1072

Research and Development

PUBLIC 541 An Act to Expand the Maine Technology Institute Board

LD 2287

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

Public Law 1999, chapter 541 adds the President of the Maine Technical College System, or the president's designee, to the Board of Directors of the Maine Technology Institute.

State and Local Government

**PUBLIC 540 An Act to Make Minor Changes to the Community Development
Definitions to Maintain Compatibility with Federal Regulations**

LD 2300

<u>Sponsor(s)</u> DAGGETT		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 1999, chapter 540 updates the State's Community Development Block Grant (CDBG) program guidelines to mirror Federal guidelines. It does this by changing the definition of "blighted area" from an area with a predominance of buildings needing improvement to an area with a substantial number of buildings that need improvement. The change will increase the number of areas in the State that could be so designated and thus eligible for the CDGB funds. The law also makes other minor wording changes to Maine Revised Statutes, Title 30-A, chapter 104.

**PUBLIC 543 An Act to Amend the Laws Governing the Work Center Product
and Services Set Aside**

LD 2275

<u>Sponsor(s)</u> WESTON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 1999, chapter 543 amends the definition of "work center" to be consistent with the Federal Government and provider direction. It accomplishes this by removing from State law a requirement that a work center must be a rehabilitation facility or part of such a facility and by broadening the definition of work center to include private sector businesses. The law not only continues to require that a program provide vocational rehabilitative services to individuals with disabilities, but also supports the current practice of encouraging rehabilitation providers to offer services in a competitive and integrated environment. Public Law 1999, chapter 543 also increases the representation of persons with disabilities on the Work Center Purchases Committee. The number of such persons was increased to a minimum of 5 of the board members.

PUBLIC 552 An Act Regarding the Maintenance of Private Roads

LD 448

<u>Sponsor(s)</u> TOWNSEND NUTTING J		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-793
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Public Law 1999, chapter 552 further defines the meaning of "repairs" to private way in Maine Revised Statutes Title 23, section 3101. Specifically, the law prohibits repairs to include paving unless the paving undertaken is to repair existing pavement or to fix an erosion problem. The law also limits to 1% of an individual owner's property valuation the amount that a road commissioner may assess that individual property owner for road repairs in any calendar year.

State and Local Government

PUBLIC 554 An Act to Require Expenditure of Designated Funds for the Purpose for which the Legislature Designated the Funds LD 2382

<u>Sponsor(s)</u> GOLDTHWAIT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-497
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Public Law 1999, chapter 554 addresses the issue of the refusal by the county commissioners of a county to spend for a specific purpose funds designated for that purpose by the Legislature. The law requires that an amount equal to the amount of designated funds that the commissioners refused to spend be deducted from the county's unorganized territory services reimbursement for the next fiscal year. The law applies only to Legislatively-designated funds that are for a purpose or purposes that are in addition to the services or projects normally included in a county's annual unorganized territory services budget.

PUBLIC 566 An Act Concerning State Government Competition with Private Enterprise LD 533

<u>Sponsor(s)</u> MITCHELL B CIANCHETTE	<u>Committee Report</u> OTP-AM A OTP-AM B ONTP C	<u>Amendments Adopted</u> H-824 AHEARNE S-478
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Public Law 1999, chapter 566 establishes a 9-member advisory committee to handle complaints and issues regarding potentially unfair competition practices by the State with private enterprise. The advisory committee is directed to meet at least once a year and to submit an annual report by January 15th of each year to the Governor and the joint standing committee of the Legislature having jurisdiction over state and local government matters.

PUBLIC 570 An Act to Add Emergency Medical Services to the Municipal Fire Department Authority LD 2342

<u>Sponsor(s)</u> DUPLESSIE RAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-822
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Public Law 1999, chapter 570 expands the definition of "municipal fire department" and defines "emergency services" under the Maine Revised Statutes, Title 30-A. The law also expands the number of emergency services that municipal fire departments may provide to other municipalities through mutual aid agreements. It also makes technical changes to Title 30-A, section 5725.

State and Local Government

PUBLIC 654 An Act to Allow Police Assistance in Emergency Situations

LD 2480

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY E	OTP-AM MAJ	H-908
LAWRENCE	ONTP MIN	

Public Law 1999, chapter 654, except where expressly prohibited by municipal ordinance or policy, allows a police department to respond to a request for assistance from another police department when there is no preexisting liability agreement among the departments if the assistance is for a major unplanned incident. The law specifies that when the response is for a major unplanned incident, the liability remains with the responding department except for command or operational decisions made by the requesting department. Public Law 1999, chapter 654 also defines a "major unplanned incident" for the purposes of the chapter.

PUBLIC 662 An Act to Revise the Salaries of Certain Kennebec County Officers
EMERGENCY

LD 2677

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

Public Law 1999, chapter 662 increases the salaries of certain county officers in Kennebec County. It applies retroactively to January 1, 2000.

Public Law 1999, chapter 662 was enacted as an emergency measure effective April 10, 2000.

PUBLIC 666 An Act to Establish a Commemorative Day Recognizing Major-
EMERGENCY General Henry Knox

LD 2507

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

Public Law 1999, chapter 666 establishes July 25th of each year as a commemorative day recognizing Major-General Henry Knox of Thomaston, who was a Revolutionary War general and hero and Secretary of War under President George Washington.

Public Law 1999, chapter 666 was enacted as an emergency measure effective April 11, 2000.

State and Local Government

**PUBLIC 668 An Act to Repeal Certain Inactive Boards and Commissions and to
Amend Certain Laws Governing Boards and Commissions**

LD 2676

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u> H-1091 AHEARNE
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Public Law 1999, chapter 668 repeals a number of inactive boards and commissions. Those repealed boards and commissions are:

1. Advisory Board to Privatize the Maine Health Program;
2. Advisory Council on Energy Efficiency Building Performance Standards;
3. Board of Trustees, Sludge and Residuals Utilization Research Foundation;
4. Children's Residential Treatment Committee;
5. Commission on Biotechnology and Genetic Engineering;
6. Commission on Nursing Supply and Educational Accessibility;
7. Commodity Marketing Committee;
8. Early Retirement Incentives Review Panel;
9. Interdepartmental Coordinating Council for Early Intervention;
10. Interdepartmental Council;
11. Jail Industry Authority Board of Directors;
12. Maine Advisory Committee on Children with Special Needs;
13. Maine Family Support Council;
14. Maine Highway Safety Commission;
15. Maine Marketing Advisory Board;
16. Maine Potato Marketing Committee;
17. Maine Quality Management Council;
18. Marine Research Board;
19. Medical Specialty Advisory Committee on Anesthesiology;

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20. Medical Specialty Advisory Committee on Emergency Medicine;
21. Medical Specialty Advisory Committee on Obstetrics and Gynecology;
22. Medical Specialty Advisory Committee on Radiology;
23. Mental Health Rights Advisory Board;
24. Municipal Capital Investment Advisory Commission;
25. New England Interstate Planning Commission, effective August 1, 2003;
26. Policy Review Board;
27. Region III Crisis Intervention Program Advisory Board;
28. Regional Family Support Councils; and
29. Residential Treatment Center Advisory Group.

The law also strikes several statutory cross-references to the repealed boards and commissions. It also makes changes to the reporting date for boards or commissions to file annual reports with the Secretary of State and it repeals an outdated sunset provision of the Maine Revised Statutes, Title 5, chapter 379. Public Law 1999, chapter 668 also makes minor changes to the auditing requirements for the Lobster Promotion Council and the appointing requirements for the Board of Trustees, Mining Excise Tax Trust Fund.

PUBLIC 717 An Act to Clarify the Process for a County Bond Referendum Election

LD 2412

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY T	OTP-AM MAJ	H-805
FERGUSON	OTP MIN	H-889 SAVAGE C

Public Law 1999, chapter 717 establishes the process for county commissioners or county administrators to follow in conducting a county bond referendum election. The law repeals section 936 of Title 30-A of the Maine Revised Statutes, which required legislative approval of county bond issuances. Public Law 1999, chapter 717 directs counties to conduct county bond issue referendum elections according to the provisions of Title 21-A. It also requires that county commissioners hold a public hearing in each county commissioner district prior to a bond issue election. The law also requires that, prior to the public hearings on the county bond referendum, each county bond issue must be reviewed by the respective county budget committee.

State and Local Government

PUBLIC 747 An Act to Establish a Memorial Dedicated to the Civilian Conservation Corps

LD 2522

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-940 S-767 MICHAUD

Public Law 1999, chapter 747 establishes a memorial dedicated to the Civilian Conservation Corps. The law places responsibility with the Capitol Planning Commission to establish and maintain the memorial near the entrance to the Cultural Building that houses the Maine State Library, the Maine State Museum and the Maine State Archives in the State House complex. Chapter 747 requires that funding for the memorial come from both the State and private sources and clarifies that the \$10,000 provided by the State for the project represents a “one-time” appropriation. The law authorizes the Capitol Planning Commission to expend any private funds received for the project. It also requires that educational and historical information regarding the Civilian Conservation Corps in Maine be maintained at the Maine State Museum.

P & S 68 An Act to Make Technical Changes in the Law Authorizing the Capital Riverfront Improvement District

LD 2261

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ OTP-AM MIN	S-495

Private and Special Law 1999, chapter 68 amends the law establishing the Capital Riverfront Improvement District (Private and Special Law 1999, chapter 58) to allow the Governing Board of the Capital Riverfront Improvement District to appoint additional members and to alter the boundaries of the district. The law also requires the district governing board to elect co-chairs and deletes a reporting requirement regarding the district master plan to the Joint Standing Committee on State and Local Government.

P & S 81 An Act to Amend and Clarify the Powers and Duties of the Lake Arrowhead Community, Incorporated

LD 2655

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY MCALEVEY	OTP MAJ ONTP MIN	H-1090 AHEARNE

Private and Special Law 1999, chapter 81 amends the charter of the Lake Arrowhead Community, Incorporated, by forbidding the community from charging the Town of Limerick and the Town of Waterboro membership fees and assessments for property owned by the municipalities.

State and Local Government

RESOLVE 90 **Resolve, to Require Certain Reports Concerning the Use of**
EMERGENCY **Automated Telephone Answering Equipment by State Government**

LD 2176

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER	OTP-AM MAJ	S-488
MAYO	OTP-AM MIN	

Resolve 1999, chapter 90 requires the Commissioner of Administrative and Financial Services to make both preliminary and final reports to the joint standing committee of the Legislature having jurisdiction over state government matters on the implementation of a new policy on the use of automated telephone answering equipment by state agencies. It also grants authority to the joint standing committee of the Legislature having jurisdiction over state government matters to report out a bill in response to the reports during the First Regular Session of the 120th Legislature.

Resolve 1999, chapter 90 was finally passed as an emergency measure effective April 14, 2000.

RESOLVE 97 **Resolve, Authorizing the Commissioner of Administrative and**
Financial Services to Transfer or Acquire Property or Interests in
Property at the Maine Criminal Justice Academy, Oak Grove
Coburn School in Vassalboro and Maine State Prison in Thomaston

LD 2309

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM	S-550

Resolve 1999, chapter 97 authorizes the Commissioner of Administrative and Financial Services to transfer or acquire nonfee interests such as easements or rights-of-way in state-owned property at the Oak Grove Coburn School in Vassalboro, the Maine Criminal Justice Academy in Waterville and the Maine State Prison in Thomaston. The authority granted in the resolve is automatically repealed 3 years from the resolve's effective date.

RESOLVE 98 **Resolve, to Authorize the Waldo County Commissioners to Borrow**
EMERGENCY **not more than \$600,000 to Build a Waldo County Communications**
and 9-1-1 Center

LD 2569

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LINDAHL	OTP-AM	H-909
LONGLEY		

Resolve 1999, chapter 98 authorizes the Waldo County commissioners to hold a county-wide referendum to obtain voter approval of a proposal to borrow up to \$600,000 to construct a county communications and 9-1-1 center.

State and Local Government

RESOLVE 114 **Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Maine State Prison in Thomaston**

LD 2319

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	OTP-AM MAJ ONTP MIN	H-862

Resolve 1999, chapter 114 authorizes the Commissioner of Administrative and Financial Services to sell or lease the Maine State Prison property in Thomaston. The law is repealed 5 years from its effective date.

RESOLVE 135 **Resolve, to Create a Commission to Study and Establish Moral Policies Regarding Foreign Investments and Foreign Purchasing by the State**

LD 2461

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS	OTP-AM MAJ ONTP MIN	H-870 S-800 KILKELLY

Resolve 1999, chapter 135 creates the Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State. In examining this issue, the 12-member commission must evaluate the policies of other states, propose standards concerning foreign companies that do business with the State and foreign companies invested in by the State, and make recommendations to the Legislature as to whether the State should do business with and invest in foreign companies that oppress or mistreat their workers. The law requires the commission to consider such factors as child labor and exploitation of workers under unhealthy conditions. The commission also must identify the possible positive and negative impacts of proposed policies on Maine workers, Maine small businesses and Maine taxpayers. The law requires the commission to issue its report by November 15, 2000.

Taxation

PUBLIC 548 **An Act to Conform the Maine Tax Laws for 1999 with the United** **LD 2277**
EMERGENCY **States Internal Revenue Code**

<u>Sponsor(s)</u> RUHLIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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Public Laws 1999, chapter 548 conforms the Maine income, estate and mining excise tax laws with the federal Internal Revenue Code as of December 31, 1999 for tax years beginning on or after January 1, 1999.

Public Law 1999, chapter 548 was enacted as an emergency measure effective March 14, 2000.

PUBLIC 550 **An Act to Grant Municipalities Greater Flexibility in their** **LD 2281**
Arrangements for Tax Base Sharing Agreements

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 550 permits municipalities that are parties to a tax base sharing agreement to specify a period of time within which the municipality collecting taxes must remit the respective shares of collected taxes to the municipalities that are parties to the tax base sharing agreement.

PUBLIC 551 **An Act to Amend the Elderly Low-cost Drug Program** **LD 2518**
EMERGENCY

<u>Sponsor(s)</u> DUDLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-802 S-507 MICHAUD
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Public Law 1999, chapter 551 provides a one-year restoration of eligibility for the Elderly Low-Cost Drug Program for formerly eligible household members who were inadvertently dropped from eligibility as a result of amendments to the program enacted in 1999.

Public Law 1999, chapter 551 was enacted as an emergency measure effective March 14, 2000.

Taxation

PUBLIC 559 An Act to Simplify the Approval Process of Existing State Tax Increment Financing Districts LD 2391

<u>Sponsor(s)</u> RUHLIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 559 repeals obsolete language in the state tax increment financing law and substitutes the State Tax Assessor for the Revenue Forecasting Committee as the approval agency for continuing eligibility of state tax increment financing districts.

PUBLIC 616 An Act to Prevent Gray Market Cigarette Sales LD 2316

<u>Sponsor(s)</u> MICHAUD	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-524
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Public Law 1999, chapter 616 prohibits the sale of gray market cigarettes and clarifies the authority of law enforcement officers and contract officers to enforce the law and to seize and destroy gray market cigarettes.

PUBLIC 626 An Act to Promote Historic and Scenic Preservation LD 2537

<u>Sponsor(s)</u> AMERO MURPHY T	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-557
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Public Law 1999, chapter 626 implements Article IX, Section 8, subsection 5 of the Constitution of Maine by permitting municipalities to reimburse taxpayers for a portion of property taxes paid if the owner agrees to maintain the property in accordance with criteria adopted by ordinance to maintain the historic integrity of important structures or preserve a scenic view.

PUBLIC 650 An Act to Amend the Laws Governing Municipal Tax Increment Financing to Encourage Downtown Investment LD 2445

<u>Sponsor(s)</u> GAGNON KONTOS	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-869
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Taxation

Public Law 1999, chapter 650 amends the municipal tax increment financing laws by removing the percentage limitations on district size and value for downtown investment and redevelopment projects and making technical clarifications to the municipal tax increment financing laws.

PUBLIC 698 An Act to Repeal the Sales Tax on Snack Food Except Candy and Confections LD 2602

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1014
	OTP-AM MIN	

Public Law 1999, chapter 698 eliminates the sales tax on snack foods. Public Law 1999, chapter 731, Part R (LD 2510, included in the bill summaries for the Joint Standing Committee on Appropriations and Financial Affairs) establishes an effective date for this law of January 1, 2001.

PUBLIC 708 An Act Concerning Technical Changes to the Tax Laws LD 2524
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUHLIN	OTP-AM	S-641
		S-652 RUHLIN

Public Law 1999, chapter 708 is the annual bill submitted by the Bureau of Revenue Services. It makes technical corrections, clarifications and minor substantive changes to various laws concerning taxation.

Public Law 1999, chapter 708 was enacted as an emergency measure effective April 14, 2000.

PUBLIC 752 An Act to Amend the Maine Seed Capital Tax Credit Program LD 2357

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACKINNON O'NEAL	OTP-AM	S-539 S-789 MICHAUD

Public Law 1999, chapter 752 expands the Maine Seed Capital Tax Credit Program for a limited period. For investments made after the effective date of the bill and prior to July 1, 2001, the amount of a tax credit certificates is increased from 30 % to 40% of an investment made in an eligible business or made in or unconditionally committed to a private venture capital fund provided the authority determines that the fund has a focus on investing in Maine companies. The remainder of the credit is available to the investors when the venture capital fund has made eligible investments. If the fund fails to make sufficient eligible investments within 3 years, the credit is revoked. The current law limit on aggregate tax credits that can be allocated to investments made by venture capital funds is combined with the limit on credits available for investment in

Taxation

businesses. Investors in a fund collectively are not entitled to a credit for any portion of ownership of a business in excess of 50%.

PUBLIC 754 An Act to Create Employment Opportunities by Clarifying Maine's LD 2400
Tax Laws Regarding Mutual Fund Companies

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J	OTP-AM MAJ	H-867
	ONTP MIN	S-783 MICHAUD

Public Law 1999, chapter 754 provides an alternative method for apportionment of the receipts of mutual fund service providers for purposes of the Maine income tax. A mutual fund service provider may opt to apportion its income according to the percentage of shares of a regulated investment company owned by shareholders domiciled in Maine. A taxpayer electing this method of apportionment is not required to file a combined report and may not be included in the combined report of another taxpayer. The election to use this method of apportionment would be irrevocable for 5 years. The Department of Economic and Community Development is required to reduce its need for appropriations in future years by the amount of revenue loss estimated to result from this law and report the impact of reductions in appropriations on the department's programs.

PUBLIC 755 An Act to Implement the Recommendations of the Committee on LD 2551
Sawmill Biomass

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE CAREY	OTP-AM	H-899 S-785 MICHAUD

Public Law 1999, chapter 755 creates a one-year income tax credit for wood processing facilities. The credit is based on the number of tons of wood processing residue transported from the facility and the price received for the residue. The aggregate amount of credits is limited to \$500,000, and the credit is not refundable. The Commissioner of Conservation is required to monitor the effectiveness of the credit.

PUBLIC 757 An Act to Implement the Tax Policy Recommendations of the Task LD 2669
Force Created to Review Smart Growth Patterns of Development

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-753 MICHAUD

Public Law 1999, chapter 757 provides a sales tax exemption or refund for electricity used for commercial agriculture, aquaculture or fishing and provides for an additional tax examiner to perform desk audits of partnerships and Subchapter S corporations.

Taxation

PUBLIC 759 An Act Related to Sales Tax on Vehicles Leased and Removed from LD 2686
the State and Watercraft Used in Interstate Commerce

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-754 MICHAUD

Public Law 1999, chapter 759 extends the sales tax exemption for vehicles purchased by nonresidents to include leases of vehicles to nonresidents until June 30, 2001. The law also amends the sales tax exemption for watercraft used in interstate or foreign commerce by extending the time period within which the watercraft must be put to use in interstate or foreign commerce if the watercraft is not capable of use for that purpose. This extension is effective for the period between January 1, 1994 and September 1, 2000.

PUBLIC 768 An Act to Establish Criteria for Tax Incentive Programs LD 2460

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM MAJ	H-1021
RUHLIN	OTP-AM MIN	H-1055 GAGNON
		S-766 MICHAUD

Public Law 1999, chapter 768 provides criteria and a procedure for review of new and existing economic development incentives by the Department of Economic and Community Development. The law changes reporting dates, extends the repeal date for the economic development incentive review laws to August 1, 2002, requires withholding of reimbursement under the business equipment tax refund (BETR) program for businesses that fail to file required reports and makes administrative changes for the Economic Development Incentive Commission. Notice and due process rights are ensured and a one-time appropriation of \$20,000 is made to the Commission for studies, research and operating expenses.

P & S 90 An Act to Reduce the State Tax Valuation for the Town of Standish LD 2545
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP-AM	S-538

Private and Special Law 1999, chapter 90 reduces the 2000 state valuation of the Town of Standish by setting the value of the property of the Portland Water District at \$2,019,244 to reflect a decision by the Maine Supreme Judicial Court that certain property of the Portland Water District was exempt from taxation.

Taxation

P & S 91 **An Act to Establish Municipal Cost Components for Unorganized** **LD 2567**
EMERGENCY **Territory Services to be Rendered in Fiscal Year 2000-01**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-989
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Private and Special Law 1999, chapter 91 establishes the municipal cost components for state and county services provided in the unorganized territory that would be paid for by a municipality. The law provides an appropriation for ferry service in Hancock County and for repair of the roof of the Benedicta school.

Private and Special Law 1999, chapter 91 was enacted as an emergency measure effective May 5, 2000.

RESOLVE 91 **Resolve, Authorizing the State Tax Assessor to Convey the Interest** **LD 2280**
 of the State in Certain Real Estate in the Unorganized Territory

<u>Sponsor(s)</u> RUHLIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-494
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Resolve 1999, chapter 91 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 for nonpayment of property taxes.

RESOLVE 96 **Resolve, Relating to the State Valuation for the Town of Milo** **LD 2353**

<u>Sponsor(s)</u> DAVIS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-536
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Resolve 1999, chapter 96 permits the Town of Milo to apply for a reduction of its 2001 state valuation based on the reduction in value of the Dexter Shoe Company factory under the procedure authorized by current statute without meeting the statutory valuation threshold.

RESOLVE 122 **Resolve, Authorizing the Refund of Sales Tax Overpayments to a** **LD 2660**
 Maine Business

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Resolve 1999, chapter 122 requires the Bureau of Revenue Services to refund to Bond Brothers Hardware, Inc. \$8,680 that was overpaid in sales tax.

Taxation

**CON RES 4 RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Allow the Legislature to Provide for Assessment of
Property Used for Commercial Fishing at Current Use**

LD 2422

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER PINGREE	OTP-AM	H-820

Constitutional Resolution 4 proposes an amendment to the Constitution of Maine to allow the Legislature to provide for the assessment of waterfront land used for commercial fishing purposes based on the current use of the property.

Transportation

PUBLIC 544 An Act to Amend the Law Regarding Disability License Plates LD 2270

<u>Sponsor(s)</u> SANBORN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 544 allows the Secretary of State to issue more than one set of disability license plates or placards to a qualified applicant.

**PUBLIC 545 An Act to Clarify the Requirements for Certifying Driving Time
Prior to Obtaining a License LD 2323**

<u>Sponsor(s)</u> WHEELER G	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 545 adds a step-parent to the list of allowable family members that can certify the driving time of a permittee who is under 21 years of age and is applying for an operator's license. This law also exempts a person 21 years of age or older from the requirement to submit certification of driving time.

PUBLIC 580 An Act to Amend Truck Weights LD 2303

<u>Sponsor(s)</u> LINDAHL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-804
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Public Law 1999, chapter 580 streamlines the registration process for trucks between 90,000 and 100,000 pounds. It repeals the requirement for trucks to obtain a permit to operate at 100,000 pounds, in favor of a 100,000-pound registration. This provision becomes effective April 1, 2001, the scheduled date for entry of several Canadian provinces into the International Registration Program.

The law permits the Secretary of State to establish, with the cooperation of the Commissioner of Transportation, a method of issuing long-term overweight permits for nondivisible loads.

The law clarifies the application of weight fines and allows the 4-axle truck, 2-axle trailer vehicle to register for its allowable gross vehicle weight limit and repeals special certifications previously required for this vehicle.

The current fine schedule for violations by vehicles registered for 100,000 pounds is retained.

Transportation

**PUBLIC 600 An Act to Ensure Fuel Deliveries by Allowing Fuel Delivery
Vehicles to Travel on Posted Roads**

LD 2381

<u>Sponsor(s)</u> HARRIMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-518
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Public Law 1999, chapter 600 allows a home heating oil, kerosene and propane delivery vehicle that has an overlimit exemption permit issued by the Department of Transportation to travel over any county or town way without a specific municipal or county permit. The law also makes it clear that a municipality may not require a permit for a vehicle to operate on restricted roads.

**PUBLIC 611 An Act to Strengthen the Motor Vehicle Laws Pertaining to
Registration of Motor Vehicles**

LD 1576

<u>Sponsor(s)</u> LEMONT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-863
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Public Law 1999, chapter 611 establishes a presumption that a person is a Maine resident if that person has custody of a child enrolled in a Maine public school or declares Maine as that person's state of primary residence on a form, document or application. The provision also stipulates that an oral statement by a person that Maine is their primary residence is prima facie evidence of primary residence.

PUBLIC 641 An Act to Strengthen the Habitual Motor Vehicle Offender Law

LD 2625

<u>Sponsor(s)</u> SAXL M	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 641 changes the habitual offender law by allowing an habitual offender to seek a work-restricted license only after a period of revocation has been served. Under the Maine Revised Statutes, Title 29-A, section 2554, an habitual offender may petition for relief from habitual offender status one year after revocation. This law allows a petition for a work-restricted license only after 8 months from revocation.

Transportation

PUBLIC 660 An Act to Allow Registration of Low-speed Vehicles on Certain Islands LD 2649

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY LIBBY	OTP-AM MAJ ONTP MIN	H-1010

Public Law 1999, chapter 660 creates a new registration for motor vehicles called "low-speed vehicles," which are motor vehicles that can not exceed 25 miles per hour or be operated on a public way with a posted speed limit of more than 35 miles per hour.

It allows these vehicles to be operated on the 12 Maine islands that do not have any public ways maintained or supported by the State if the municipality chooses to allow them. This new provision is combined with an existing provision for island vehicles to pay a reduced registration fee.

The law also requires the Secretary of State and the Maine State Police to study the issues raised by low-speed vehicle use in Maine.

PUBLIC 670 An Act to Increase the Penalty for Leaving the Scene of a Motor Vehicle Accident LD 2472

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM	S-615

Public Law 1999, chapter 670 creates an aggravated punishment category for leaving the scene of an accident when serious bodily injury or death occurs. Specifically, this law makes the crime of leaving an accident a Class C crime if a person intentionally, knowingly or recklessly fails to comply with the current statute that requires stopping at the scene and providing certain information and the accident resulted in serious bodily injury, as defined in the Maine Revised Statutes, Title 17-A, section 2, subsection 23, or death.

PUBLIC 674 An Act to Restrict Passengers in the Vehicle of a Newly Licensed Driver LD 2450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C	OTP-AM	H-847 H-904 CLARK S-609 O'GARA

Public Law 1999, chapter 674 restricts the passengers a driver under the age of 18 can carry for the first 90 days of licensure. Only members of the driver's immediate family or those qualified to accompany a driver with an instruction permit are allowed in the vehicle.

Transportation

PUBLIC 676 An Act to Ensure Cost Effective and Safe Highways in the State

LD 2550

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP-AM MAJ	S-622
JABAR	ONTP MIN	

Public Law 1999, chapter 676 replaces the current driveway permit requirements and establishes a 3-tiered process for permitting new driveways, entrances and approaches on Maine's major highways.

On state highways and state aid highways outside urban areas, the Department of Transportation is authorized under current law to review permits for potential safety problems. This law allows for review of drainage as well. For arterial highways outside urban areas, the department will review permits for the number, spacing, design and location of driveways with a goal of maintaining posted speed limits and ensuring safe travel. For arterial highways with high accident rates, applicants may be required to avoid, minimize or mitigate safety issues or reduced speed limits prior to construction of a driveway.

Existing driveways, approaches and entrances, as well as forest management roads, are exempt from these requirements unless their use changes. A grade change or location change of an existing driveway, approach or entrance requires a permit also. The department is empowered to deny access rights to property where access rights have been acquired through eminent domain, purchase or other mechanisms.

If a permit is denied, a permit applicant may ask the Commissioner of Transportation to reconsider the application. By rule, the department will develop procedures for enforcing these requirements, establishing penalties and appeals of enforcement action.

Rules developed by the department to implement these new requirements are major substantive rules and will be reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters before they become effective.

This law also requires the department to work with other agencies and municipalities to assist them in addressing "smart growth" techniques and to develop model ordinances for road construction standards. It also requires the department to do more strategic planning on transit issues and to work with other departments to identify funding sources to address sprawl and air quality issues.

**PUBLIC 680 An Act to Implement Recommendations of the Joint Standing
Committee on Transportation Relating to the Review of the
Department of the Secretary of State, Bureau of Motor Vehicles
under the State Government Evaluation Act**

LD 2667

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

Transportation

Public Law 1999, chapter 680 implements the recommendations made by the Joint Standing Committee on Transportation as a result of the committee's review of the Department of the Secretary of State, Bureau of Motor Vehicles under the State Government Evaluation Act. This act clarifies procedures for electronic processing of vehicle registrations.

PUBLIC 733 An Act Regarding Taxation of Low-energy Fuels LD 1337

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM MAJ	H-788
KONTOS	ONTP MIN	

Public Law 1999, chapter 733 lowers the special fuel tax on low-energy fuels so that the tax on a particular fuel is based on the relationship of its BTU value to the BTU value of gasoline. This law also moves the place of payment of the tax to the sale at the pump. The bill takes effect on October 1, 2000.

PUBLIC 734 An Act to Create a Purple Heart Motorcycle License Plate LD 2322

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	OTP-AM MAJ	H-790
	OTP-AM MIN	

Public Law 1999, chapter 734 exempts the special Purple Heart medal recipient motorcycle license plate from the current sponsorship requirements for specialty license plates. The amendment also codifies the current practice of making a disabled veterans motorcycle license plate available to qualified veterans.

PUBLIC 751 An Act to Provide Recognition for Korean Conflict Veterans on LD 2321
EMERGENCY Special Veterans Registration Plates

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER	OTP-AM	H-845
LAWRENCE		

Public Law 1999, chapter 751 directs the Secretary of State to design a decal commemorating veterans of the Korean Conflict that may be affixed over the red "V" on special veterans registration plates. These decals may be sold for one year.

The Secretary of State is also directed to convene a task force to examine whether other commemorative decals can be developed and distributed. The task force must report its findings to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 2, 2001.

Transportation

Public Law 1999, chapter 751 was enacted as an emergency measure effective May 5, 2000.

PUBLIC 753 An Act to Amend Certain Transportation Laws

LD 2370

<u>Sponsor(s)</u> PARADIS JABAR	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-532
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Public Law 1999, chapter 753 enacts the following provisions:

1. It provides that the Department of Transportation may grant or otherwise transfer easements over property taken or acquired for transportation purposes when the department in its sole discretion determined that the conveyance of such easements is appropriate and necessary.
2. It provides that the owners of real property proposed to be acquired for federal, state and federally assisted highway projects are not in all cases required to pay rent in the event that they occupy the property beyond the date of acquisition.
3. It codifies current practice by providing that the formula for distribution of Urban-Rural Initiative Program funds include roads maintained by a municipality that are not town ways.
5. It clarifies that the Department of Transportation does not have responsibility for designating no-passing zones on roads that are not the responsibility of the department.
6. It stipulates that municipalities have responsibility for regulation of utility facilities in the public way in urban compact areas, regardless of whether or not the highway is a federal-aid highway.
7. It relieves certain municipalities of financial obligations for major collector state aid highway reconstruction local match requirements.
8. It clarifies that the Maine Port Authority's purpose includes financing for port and rail development. Clarification will avoid the need for ongoing statutory interpretation.
9. It increases the overall combination vehicle length limit for truck tractor and tractor or semitrailer combinations hauling trailers or semitrailers that are more than 45 feet but no more than 48 feet long from 65 feet to 69 feet. For truck tractor vehicles containing trailers or semitrailers that are more than 48 feet long but no more than 53 feet long that travel beyond the national network, the overall length limit is increased from 70 to 74 feet. The law also clarifies that all combinations of vehicles are limited to a maximum overall length of 65 feet unless otherwise allowed by law.
10. It affirms that a municipality may not regulate the operation of vehicles in the public ways if that regulation conflicts with limits imposed by the Department of Transportation pursuant to the Maine Revised Statutes, Title 23. This change addresses the ability of municipalities to restrict commercial vehicle traffic on state or state-aid highways.

Transportation

- 11. It addresses where the Department of Transportation has jurisdiction over utility easements, making it clear that it does not regulate easements on federal-aid highways. It updates references for urban compact areas in several places.
- 12. It specifies that in urban compact municipalities without standards for utility installations the Department of Transportation's rules and policies are the default standards.

P & S 67 An Act to Make Allocations from Maine Turnpike Authority Funds LD 2489
for the Maine Turnpike Authority for the Calendar Year Ending
December 31, 2001

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-491 O'GARA

Private and Special Law 1999, chapter 67 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, 2001 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

RESOLVE 94 Resolve, Regarding Legislative Review of Chapter 305: Rules and LD 2553
EMERGENCY Regulations Pertaining to Traffic Movement Permits, a Major
Substantive Rule of the Department of Transportation

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

Resolve 1999, chapter 94 allowed for legislative review and approval of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, a major substantive rule of the Department of Transportation. These rules were approved without change.

Resolve 1999, chapter 94 was finally passed as an emergency measure effective March 29, 2000.

Utilities and Energy

PUBLIC 577 **An Act to Make Certain Public Utility Commission Rules Routine Technical Rules** **LD 2428**

<u>Sponsor(s)</u> DAVIDSON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 577 changes the Public Utilities Commission rules governing divestiture of generation and provision of standard-offer service from major substantive rules to routine technical rules.

PUBLIC 578 **An Act to Provide Standard-offer Service to Certain Customers** **LD 2289**
EMERGENCY

<u>Sponsor(s)</u> DAVIDSON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 578 allows the Public Utilities Commission to require that transmission and distribution utilities take the necessary steps to secure electricity (default standard offer service) for some 40 customers that are not physically connected to a bulk power system in the State.

Public Law 1999, chapter 578 was enacted as an emergency measure effective March 22, 2000.

PUBLIC 579 **An Act to Eliminate Regulation of Public Heating Utilities** **LD 2288**

<u>Sponsor(s)</u> DAVIDSON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 1999, chapter 579 removes the term "public heating utility" from the definition of "public utility" in the laws governing public utilities, thereby eliminating regulation of these entities by the Public Utilities Commission.

PUBLIC 581 **An Act to Repeal Certain Archaic and Unenforced Laws Related to the Duties of the Secretary of State** **LD 2355**

<u>Sponsor(s)</u> KONTOS O'NEAL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-529
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Public Law 1999, chapter 581 eliminates the requirement that cable television franchise agreements and certain determinations of wages and benefits be filed with the Office of the Secretary of State; these records will continue to be filed elsewhere, pursuant to other provisions of law.

Utilities and Energy

PUBLIC 584 **An Act to Implement the Recommendations of the Joint Standing Committee on Utilities and Energy Arising from its State Government Evaluation Act Review of the Public Utilities Commission** **LD 2554**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
				H-838 DAVIDSON

Public Law 1999, chapter 584 implements the recommendations of the Joint Standing Committee on Utilities and Energy arising from its State Government Evaluation Act review of the Public Utilities Commission. It requires the commission to provide to the committee annual reports on rural and regional issues related to the restructuring of utility industries and the creation of competitive markets.

PUBLIC 596 **An Act to Enhance Maine's Historic Districts by Efficiently Installing Underground Delivery Systems** **LD 2482**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
LEMOINE		OTP-AM		H-830

Public Law 1999, chapter 596 provides that a municipality may direct that utility facilities in a historic district be relocated. Costs of the relocation are borne by the municipality unless the facility owner agrees in writing to share the costs.

PUBLIC 601 **An Act Regarding Electric Metering and Billing Competition** **LD 2403**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
DAVIDSON		OTP-AM		H-831

Public Law 1999, chapter 601 removes the dates currently governing the establishment of competitive electric billing and metering services; authorizes the Public Utilities Commission to provide for competition in the provision of electric billing and metering services through the adoption of major substantive rules; and requires the commission to establish terms and conditions for such competition including which services are subject to competition and which customers will receive competitive services.

Utilities and Energy

PUBLIC 602 An Act to Promote the Use of an Advocate Staff

LD 2473

<u>Sponsor(s)</u> KONTOS COLWELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-530
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Public Law 1999, chapter 602 provides that if the Public Utilities Commission receives a written request from all of the parties in an adjudicatory proceeding that one or more staff advocates be appointed to facilitate a negotiated settlement in the proceeding, the commission must either grant the request or issue a written order explaining the reasons why the commission denies the request.

PUBLIC 605 An Act to Promote Competition in the Natural Gas Industry

LD 2294

<u>Sponsor(s)</u> CAREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-528
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Public Law 1999, chapter 605 repeals the eminent domain provisions governing natural gas pipeline utilities and grants eminent domain authority, with certain conditions and limitations, to intrastate natural gas pipeline utilities and gas utilities other than gas utilities over which the commission's jurisdiction is limited to safety issues.

PUBLIC 651 An Act to Facilitate the Implementation of the E-9-1-1 System
EMERGENCY

LD 2389

<u>Sponsor(s)</u> KONTOS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-560
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Public Law 1999, chapter 651 reenacts the E-9-1-1 surcharge and provides for delayed collection of the surcharge by those telecommunications service providers who continued to collect the surcharge after its repeal; establishes certain requirements relating to the inclusion of the number 9-1-1 in telephone directories; prohibits confusing commercial use of number 9-1-1; provides that certain costs incurred by local exchange carriers in providing database development services for the development of the E-9-1-1 system are reimbursed from the E-9-1-1 fund; and requires the Department of Public Safety, Emergency Services Communication Bureau to undertake an examination of issues related to possible reimbursement of costs incurred by wireless service providers related to the development of the E-9-1-1 system.

Public Law 1999, chapter 651 was enacted as an emergency measure effective April 10, 2000.

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PUBLIC 657 **An Act Relating to Electric Industry Restructuring**
EMERGENCY

LD 2508

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-935
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Public Law 1999, chapter 657 brings various provisions of law into conformity with changes made by electric industry restructuring. It also modifies the electric industry restructuring law provisions regarding consumer protection by establishing certain protections that apply to all consumers; modifies existing consumer protections provisions so that instead of applying to customers with a demand lower than 100 kilowatts they apply to residential and small commercial consumers; and specifies that the Public Utilities Commission must resolve disputes between competitive electricity providers and consumers concerning any consumer protections established by law or by the commission by rule.

Public Law 1999, chapter 657 was finally passed as an emergency measure effective April 10, 2000.

PUBLIC 664 **An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service**

LD 2140

<u>Sponsor(s)</u> DAVIDSON	<u>Committee Report</u> OTP MAJ ONTP MIN	<u>Amendments Adopted</u>
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Public Law 1999, chapter 664 authorizes the Public Utilities Commission to approve discount rates for low-income natural gas customers who are certified eligible for welfare assistance.

PUBLIC 694 **An Act Relating to Telemarketing**

LD 2591

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-998
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Public Law 1999, chapter 694 amends the transient sales law with respect to telemarketers and modifies the law regarding the use of automated telephone calling devices. It incorporates the Federal Trade Commission's Telemarketing Sales Rule into the transient sales law; prohibits, with certain exceptions, certain telemarketers from using a pick-up service to obtain immediate receipt of a consumer's payment; prohibits, with certain exceptions, certain telemarketers from calling consumers who have arranged to be included on the DMA's do-not-call list; repeals the registration requirement for users of automated telephone calling devices; requires the users of such devices to maintain transcripts of solicitation messages; and makes expressly clear that transient telemarketers are subject to and must comply with Maine's consumer solicitation sales law, which requires that sales initiated by a seller over the phone must be consummated in a written contract.

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PUBLIC 718 An Act Relating to Underground Facility Plants

LD 2427

<u>Sponsor(s)</u> DAVIDSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1025
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Public Law 1999, chapter 718 requires the so-called "dig-safe" system to maintain adequate operations at all times to receive and process emergency notices; establishes standards for the marking of underground facilities; prohibits the use of mechanical means of excavation within 18 inches of marked underground facilities; requires an excavator to undertake reasonable steps to notify the system and mark the excavation site prior to undertaking an emergency excavation; creates exemptions, with certain limitations, from the notice requirements for excavations undertaken in conjunction with commercial timber harvesting activity or borrow pit operations; creates exemptions from the notice requirements and the prohibition on the use of mechanical means of excavation for excavations undertaken in conjunction with timber harvesting activities if the excavator undertakes the excavation in accordance with written agreements with the underground facility owners; repeals provisions providing for one-year written clearances; authorizes the Public Utilities Commission to impose penalties for violations of the "dig-safe" law and to seek injunctions to prevent unsafe excavations; and modifies slightly the definition of "gas utility" in the Maine Revised Statutes, Title 35-A and thus slightly the Public Utilities Commission's jurisdiction over gas utilities.

**PUBLIC 730 An Act Concerning Certain Contracts Affected by Electric Industry
EMERGENCY Restructuring**

LD 2680

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 1999, chapter 730 amends a provision of law governing certain qualifying facility contracts affected by electric industry restructuring. Under this law, the Public Utilities Commission is given authority, within certain parameters, to establish contract rates based on the type of contract and the factual context.

Public Law 1999, chapter 730 was enacted as an emergency measure effective April 14, 2000.

PUBLIC 735 An Act to Encourage Energy Efficiency in Government Facilities

LD 2446

<u>Sponsor(s)</u> DAVIDSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1098
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Public Law 1999, chapter 735 establishes an energy savings goal for state-owned facilities. It also requires the Department of Administrative and Financial Services to develop a pilot energy savings project using performance-based contracts with energy service companies to achieve significant energy savings at 10 state facilities; to report annually to the Joint Standing Committee on Utilities and Energy on the status of plans or

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efforts to achieve the energy savings goal and of the pilot energy savings project; and to provide a report to the Joint Standing Committee on Utilities and Energy by January 1, 2001 detailing how it has complied with the provisions of the Energy Conservation in Buildings Act in each year since the Act became effective, how it is currently assessing and addressing energy conservation in the buildings it manages and a proposed plan for achieving the energy savings goal established by this law.

PUBLIC 758 An Act to Create a Heating Oil Emergency Management Program LD 2668

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-1136 DAVIDSON

Public Law 1999, chapter 758 requires the State Planning Office to report to the Joint Standing Committee on Utilities and Energy as follows: annually on petroleum product inventories and at any time on any significant heating oil supply inventory shortfalls that the office anticipates based on information available to it. The law also establishes a heating oil crises response mechanism under which, in the event of sharp increases in heating oil prices, the Maine State Housing Authority is required to estimate the funding needed to provide adequate fuel assistance to residents. The authority is required to provide this information to the Legislature and to the Governor.

P & S 63 An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District LD 1464

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH RAND	OTP-AM	H-773

Private and Special Law 1999, chapter 63 protects the water supply maintained by the Portland Water District by changing the way that the restricted area around the intake pipes in Sebago Lake is measured. The law provides for a 3,000-foot no trespassing zone measured from the southernmost intake pipe. This ensures continued boating access to the channel surrounding Indian Island in Lower Bay of Sebago Lake.

P & S 66 An Act to Revise the Charter of the Madawaska Water District LD 2335
EMERGENCY

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

Private and Special Law 1999, chapter 66 revises the charter of the Madawaska Water District to delete references to a section of the Maine Revised Statutes, Title 35-A that has been repealed and clarifies the procedures under which the district may establish a higher debt limit and issue its notes and bonds.

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Private and Special Law 1999, chapter 66 was enacted as an emergency measure effective March 15, 2000.

P & S 71 **An Act Increasing the Authorized Indebtedness of the Veazie Sewer** **LD 2317**
EMERGENCY **District**

<u>Sponsor(s)</u> CAMPBELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-832 H-866 DAVIDSON
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Private and Special Law 1999, chapter 71, subject to approval in a district referendum, increases the debt limit of the Veazie Sewer District to \$2,000,000 and allows the district to increase its debt limit in the future through the referendum process without further legislative approval.

Private and Special Law 1999, chapter 71 was enacted as an emergency measure effective March 30, 2000, subject to approval in a district referendum.

P & S 73 **An Act to Repeal the Fort Kent Utility District** **LD 2566**

<u>Sponsor(s)</u> MARTIN PARADIS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Private and Special Law 1999, chapter 73 repeals the Fort Kent Utility District. Pursuant to law passed in 1999, the operations of the district have been transferred to the town of Fort Kent.

P & S 74 **An Act to Amend the Charter of the Kennebunk Sewer District** **LD 2592**
EMERGENCY

<u>Sponsor(s)</u> MURPHY T LAFOUNTAIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Private and Special Law 1999, chapter 74 amends the charter of the Kennebunk Sewer District by authorizing the Kennebunk Sewer District to provide sewer service outside the territory of the sewer district to school buildings and facilities owned by Maine School Administrative District No. 71 and municipal buildings and facilities owned by the Town of Kennebunk.

Private and Special Law 1999, chapter 74 was enacted as an emergency measure effective April 10, 2000, subject to approval in a district referendum.

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**P & S 75
EMERGENCY**

An Act to Amend the Charter of the Small Point Water Company

LD 2525

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER SMALL	OTP-AM	H-936

Private and Special Law 1999, chapter 75 allows the Small Point Water Company to convert to a nonprofit water company.

Private and Special Law 1999, chapter 75 was enacted as an emergency measure effective April 10, 2000.

**P & S 76
EMERGENCY**

An Act to Amend the Charter of the Moscow Water District

LD 2529

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN MILLS	OTP-AM	H-937 H-955 DAVIDSON

Private and Special Law 1999, chapter 76 increases the debt limit of the Moscow Water District, subject to approval in a district referendum.

Private and Special Law 1999, chapter 76 was enacted as an emergency measure effective April 10, 2000.

**P & S 77
EMERGENCY**

An Act to Create the Alfred Water District

LD 2586

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS LIBBY	OTP-AM	H-938

Private and Special Law 1999, chapter 77 creates the Alfred Water District and authorizes the district to acquire the plants, properties, franchises, rights and privileges owned by the Alfred Water Company.

Private and Special Law 1999, chapter 77 was enacted as an emergency measure effective April 10, 2000, subject to approval in a district referendum.

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**P & S 80
EMERGENCY**

An Act to Amend the Farmington Falls Standard Water District

LD 2620

<u>Sponsor(s)</u> GOOLEY BENOIT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-959
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Private and Special Law 1999, chapter 80 amends the charter of the Farmington Falls Standard Water District by changing the number of trustees from 3 to 5 and balancing the distribution of the trustees between the Town of Farmington and the Town of Chesterville.

Private and Special Law 1999, chapter 80 was enacted as an emergency measure effective April 13, 2000.

**P & S 86
EMERGENCY**

**An Act to Allow the St. Agatha Sanitary District to be Dissolved
and Combined with the Town of St. Agatha**

LD 2689

<u>Sponsor(s)</u> MARTIN PARADIS	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Private and Special Law 1999, chapter 86 allows the St. Agatha Sanitary District to be dissolved and the Town of St. Agatha to take over the district's duties.

Private and Special Law 1999, chapter 86 was enacted as an emergency measure effective April 25, 2000, subject to approval in a district referendum.

RESOLVE 107

Resolve, to Require an Examination of Distributed Generation

LD 2397

<u>Sponsor(s)</u> COLWELL KONTOS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-856
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Resolve 1999, chapter 107 directs the Public Utilities Commission to undertake an examination of distributed generation and its effects on the electric industry and consumers. The commission is directed to issue a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters not later than October 1, 2001. The committee is authorized to report out legislation on distributed generation in response to the report of the commission.

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RESOLVE 110 **Resolve, to Improve the Services Provided by the Emergency
Services Communication Bureau**

LD 2624

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-1012

Resolve 1999, chapter 110 requires the Director of the Emergency Services Communication Bureau within the Department of Public Safety to develop and implement a plan for monitoring, evaluating and making appropriate adjustments to the E-9-1-1 system as it is implemented and operated and a plan for improving the bureau's relationship and communications with providers of emergency services and dispatching services and with community leaders and the public. The bureau is directed to provide copies of the plans to the Joint Standing Committee on Utilities and Energy by August 1, 2000.

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