

STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION

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

VOLUME 2



Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally
Passed During the First Regular Session of the 127th Maine Legislature

First Regular Session convened Wednesday, December 3, 2014
First Regular Session adjourned sine die Thursday, July 16, 2015

Senate Legislative Days.....69
House Legislative Days.....69
Bills Considered.....1455

THE MAINE LEGISLATIVE COUNCIL

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AUGUST 2015

STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION

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VOLUME 2



This Legislative Digest of Bill Summaries and Enacted Laws is produced
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STATE OF MAINE

127TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127th Maine Legislature.

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

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

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is October 15, 2015. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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VOLUME 2

Committee Name

Joint Standing Committee on Judiciary

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

Joint Standing Committee on Marine Resources

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STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

August 2015

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REP. LLOYD C. HERRICK
REP. JEFFREY EVANGELOS
REP. WAYNE T. MITCHELL

Joint Standing Committee on Judiciary

LD 8 **Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This resolve provides for legislative review of portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services.

This resolve was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 12 **An Act To Limit the Liability of Landowners Who Allow Recreational Climbing on Their Land** **PUBLIC 20**

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

Current law limits the liability of landowners who allow certain recreational or harvesting activities on their land. This bill provides that recreational climbing is included in these activities.

Enacted Law Summary

Public Law 2015, chapter 20 provides that recreational climbing is included in the recreational and harvesting activities for which landowners' liability is limited when they permit such activities to take place on their land.

LD 25 **An Act To Regulate Domestic Unmanned Aerial Vehicle Use** **PUBLIC 307**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUSSELL	OTP-AM	H-469

This bill regulates unmanned aerial vehicles, including their acquisition and lawful operation by law enforcement agencies. The bill requires approval of the acquisition of an unmanned aerial vehicle by the governing body overseeing the law enforcement agency. It prohibits a law enforcement agency from operating an unmanned aerial vehicle or collecting, disclosing or receiving information acquired through the operation of an unmanned aerial vehicle except pursuant to an emergency enforcement or administrative investigation exception, with the written consent of the person or property owner, pursuant to a warrant or pursuant to a court order. It permits the deployment of an unmanned aerial vehicle or any component parts by a manufacturer, subcontractor of a manufacturer, testing company or educational institution for the purposes of research, testing, training and manufacture of such vehicles. The bill also creates a private right of action against a law enforcement agency for violations of the provisions of the bill.

The bill includes a moratorium on all unmanned aerial vehicle use, with the exception of emergency enforcement situations, until July 1, 2017.

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Committee Amendment "A" (H-469)

This amendment replaces the bill with various provisions regulating the use of unmanned aerial vehicles, also known as drones, by law enforcement agencies. This amendment includes a legislative findings provision to recognize the potential benefits and risks of the evolving technology of unmanned aerial vehicles and narrows the definition of "unmanned aerial vehicle" to include only vehicles with the capability of performing audio or visual surveillance.

It requires the governing body of the governmental unit overseeing a law enforcement agency to approve the acquisition of an unmanned aerial vehicle by the law enforcement agency. It requires that a law enforcement agency must comply with Federal Aviation Administration requirements when operating an unmanned aerial vehicle.

Under this amendment, a law enforcement agency may operate an unmanned aerial vehicle only after it has adopted the standards established by the Board of Trustees of the Maine Criminal Justice Academy. The amendment provides exceptions for the use of an unmanned aerial vehicle in search and rescue operations when the law enforcement agency determines that the use is necessary to alleviate immediate danger to any person or for training exercises to prepare for such uses and for an emergency use approved by the chief administrative officer of the agency or the Governor. In addition, a law enforcement agency may use unmanned aerial vehicles for purposes other than the investigation of crimes, such as aerial photography for the assessment of accidents, forest fires and other fire scenes, flood stages and storm damage.

This amendment prohibits a law enforcement agency from using a weaponized unmanned aerial vehicle. Additionally, a law enforcement agency may not use an unmanned aerial vehicle for criminal investigations without a warrant, except as permitted by a recognized exception to the requirement for a warrant under the Constitution of Maine or the United States Constitution. The amendment also prohibits law enforcement use of an unmanned aerial vehicle to conduct surveillance of private citizens peacefully exercising their rights of free speech and assembly.

This amendment requires the Board of Trustees of the Maine Criminal Justice Academy to establish minimum standards for written policies and protocols for use of unmanned aerial vehicles and the Commissioner of Public Safety to annually report to the Legislature.

Enacted Law Summary

Public Law 2015, chapter 307 enacts provisions regulating the use of unmanned aerial vehicles, also known as "drones," by law enforcement agencies. It includes a legislative findings provision to recognize the potential benefits and risks of the evolving technology of unmanned aerial vehicles and narrows the definition of "unmanned aerial vehicle" to include only vehicles with the capability of performing audio or visual surveillance.

It requires the governing body of the governmental unit overseeing a law enforcement agency to approve the acquisition of an unmanned aerial vehicle by the law enforcement agency. It also requires that a law enforcement agency must comply with Federal Aviation Administration requirements when operating an unmanned aerial vehicle.

Under chapter 307, a law enforcement agency may operate an unmanned aerial vehicle only after it has adopted the standards established by the Board of Trustees of the Maine Criminal Justice Academy. It provides exceptions for the use of an unmanned aerial vehicle in search and rescue operations when the law enforcement agency determines that the use is necessary to alleviate immediate danger to any person or for training exercises to prepare for such uses and for an emergency use approved by the chief administrative officer of the agency or the Governor. In addition, a law enforcement agency may use unmanned aerial vehicles for purposes other than the investigation of crimes, such as aerial photography for the assessment of accidents, forest fires and other fire scenes, flood stages and storm damage.

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It prohibits a law enforcement agency from using a weaponized unmanned aerial vehicle. Additionally, a law enforcement agency may not use an unmanned aerial vehicle for criminal investigations without a warrant, except as permitted by a recognized exception to the requirement for a warrant under the Constitution of Maine or the United States Constitution. It also prohibits law enforcement use of an unmanned aerial vehicle to conduct surveillance of private citizens peacefully exercising their rights of free speech and assembly.

Chapter 307 requires the Board of Trustees of the Maine Criminal Justice Academy to establish minimum standards for written policies and protocols for use of unmanned aerial vehicles and the Commissioner of Public Safety to annually report to the Legislature.

LD 57 An Act To Increase Mileage Reimbursement and Compensation for Jurors Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J BURNS	OTP-AM	H-90

This bill increases the mileage reimbursement for citizens who serve as jurors from 15¢ per mile to 44¢ per mile. It restores the per diem compensation to \$20 per day, the rate paid to jurors until 1991.

Juror daily compensation and mileage reimbursement are included in the Biennial Budget, LD 1019, Public Law 2015, chapter 267, part A, section A-43 and Part PPP.

Committee Amendment "A" (H-90)

This amendment adds an appropriations and allocations section to the bill. It appropriates funds to pay increased mileage reimbursement and increased per diem compensation to jurors.

LD 58 An Act To Require Transparency of the Ownership of All Companies Providing Funds To Build Infrastructure for Development Purposes Accepted Majority (ONTP) Report

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

This bill requires a private entity to provide complete information about the ownership of that entity before it enters into an agreement with a governmental entity to provide funding for the construction of infrastructure for development purposes. The information must be provided to the governmental entity, which shall immediately release that information to the public. Information about such private entities is a public record for the purpose of the Freedom of Access Act.

This bill applies to all construction of infrastructure for development purposes, including contracts that the Department of Transportation supervises.

Committee Amendment "A" (H-18)

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

Joint Standing Committee on Judiciary

**LD 71 An Act To Amend the Laws Governing Service of Process in Eviction
Actions**

PUBLIC 22

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

This bill repeals language that was included when this section of law was amended in 2013 that required the law to be repealed September 1, 2016, at which time the original law would go back into effect. The section of law that continues in effect requires that a plaintiff in an eviction case mail and post the summons as well as the complaint after three good faith attempts to serve the defendant in hand have been unsuccessful. It requires the plaintiff to file an affidavit that the service has occurred, as is required under Rule 4 of the Maine Rules of Civil Procedure when the court orders service by the mailing and posting of the summons and complaint.

Enacted Law Summary

Public Law 2015, chapter 22 repeals language that was included when this section of law was amended in 2013 that required the law to be repealed September 1, 2016, at which time the original law would go back into effect. The section of law that continues in effect requires that a plaintiff in an eviction case mail and post the summons as well as the complaint after three good faith attempts to serve the defendant in hand have been unsuccessful. It requires the plaintiff to file an affidavit that the service has occurred, as is required under Rule 4 of the Maine Rules of Civil Procedure when the court orders service by the mailing and posting of the summons and complaint.

**LD 83 An Act To Strengthen the Consent Laws for Abortions Performed on
Minors and Incapacitated Persons**

**Accepted Majority
(ONTP) Report**

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

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

This bill requires the written consent of a parent or legal guardian before an abortion may be performed on a minor or an incapacitated person. Consent may be given in certain circumstances by a brother or sister who is at least 21 years of age or by a stepparent or a grandparent. Consent is not required in a medical emergency. The Probate Court or District Court may issue an order for the purpose of consenting to the abortion in two circumstances. First, the court may waive the need for third-party consent if it finds by clear and convincing evidence that the petitioner is both sufficiently mature and well-informed to decide whether to have an abortion. Second, the court may waive the need for third-party consent if the court finds by clear and convincing evidence that there is a pattern of physical or sexual abuse or neglect of the petitioner by one or both of her parents or her guardian or that notification of a parent or guardian is not in the best interests of the petitioner.

Committee Amendment "A" (S-197)

This amendment, which is the minority report of the committee, replaces the bill. The amendment deletes references to abortions performed on incapacitated persons.

The amendment retains current law concerning the consent necessary for a physician to perform an abortion on a pregnant minor, but the amendment provides that an abortion may not be performed unless, in addition to the minor's receiving information and counseling, at least one of the minor's parents or guardian or adult family member consents to the abortion. The amendment does not permit a minor or a counselor to consent to an abortion without a

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parent's consenting, except that the amendment permits a physician to perform an abortion without the required consent if the physician determines that a medical emergency exists. The amendment retains the judicial bypass in current law that allows a minor or next friend of the minor to petition the Probate Court or District Court for consent rather than obtaining parental consent. This amendment limits who may act as the next friend of the minor to adult family members and counselors. If a pregnant minor files a petition in the Probate Court or District Court for consent to an abortion without parental consent, the court may appoint a guardian ad litem for the minor, and the guardian ad litem is directed to act to maintain the confidentiality of the proceedings.

LD 111 An Act To Ensure That Defendants Receive Proper Notification in Foreclosure Proceedings Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY MILLETT	OTP-AM	H-391

This bill requires that the notice of right to cure and all other notices and correspondence sent by a mortgagee to the mortgagor in a foreclosure action must be sent by certified mail.

Committee Amendment "A" (H-391)

This amendment replaces the bill. It requires the mortgagee to send the right to cure notice by both certified mail, return receipt requested, and ordinary mail.

The time the notice is given to the mortgagor or cosigner is the sooner of:

1. The date the mortgagor or cosigner signs the receipt or, if the notice is undeliverable, the date the post office last attempts to deliver it, under the Maine Revised Statutes, Title 14, section 6111, subsection 3, paragraph A; and
2. The date the mortgagor or cosigner receives the notice under Title 14, section 6111, subsection 3, paragraph B. A post office department certificate of mailing to the mortgagor or cosigner is conclusive proof of receipt on the 7th calendar day after mailing when notice is provided under Title 14, section 6111, subsection 3, paragraph B.

LD 136 An Act To Clarify That the Medical Records of Applicants for Disability Variances Submitted to Municipal Boards of Appeal Are Not Public Records PUBLIC 152

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN	OTP-AM	H-163

This bill provides that documents submitted to a municipal board of appeals or a municipal code enforcement officer that describe or verify the disability of a person who is seeking a variance from municipal zoning ordinances in order to accommodate the disability are not public records pursuant to the Freedom of Access Act.

Committee Amendment "A" (H-163)

This amendment clarifies that all medical records submitted to a municipal board of appeals or a code enforcement officer and any other documents submitted for the purpose of describing or verifying a person's disability are confidential. The amendment addresses a concern that under the language in the bill, medical records submitted to the board or code enforcement officer that do not actually describe or verify a person's disability but nonetheless contain private information would become public records.

Enacted Law Summary

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Public Law 2015, chapter 152 provides that all medical records submitted to a municipal board of appeals or a code enforcement officer and any other documents submitted for the purpose of describing or verifying a person's disability are confidential.

LD 159 An Act To Prevent Bad Faith Assertions of Patent Infringement

**Accepted Majority
(ONTP) Report**

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

Current law prohibits a person from making a bad faith assertion of patent infringement against another person. A person who does make a bad faith assertion may have to pay remedies awarded by the court, including equitable relief, damages, costs and fees and punitive damages; however, the law exempts persons seeking relief pursuant to 35 United States Code, Section 271(e)(2) or 42 United States Code, Section 262 from the law prohibiting bad faith assertions of patent infringement, which may include businesses such as pharmaceutical companies. This bill removes the exemption.

LD 160 An Act To Provide Reasonable Compensation to Jurors

ONTP

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

This bill increases the mileage reimbursement for citizens who serve as jurors from 15¢ per mile to 44¢ per mile and the per diem compensation to \$32 per day, the amount paid to Legislators for meals.

Juror daily compensation and mileage reimbursement is included in the Biennial Budget, LD 1019, Public Law 2015, chapter 267, Part A, section A-43 and Part PPP.

LD 161 An Act To Ban the United Nations Agenda 21 in Maine

**Died Between
Houses**

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

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

Committee Amendment "A" (H-463)

This amendment, which is the minority report of the committee, replaces the bill to eliminate references to United Nations Agenda 21 and any international law or ancillary plan of action that contravenes the United States Constitution or the Constitution of Maine, but still focuses on the protection of private property rights. The

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amendment requires the State and political subdivisions to identify the effect of planning and zoning policies on private property rights. It requires the State and political subdivisions to ensure participation of private property owners in the process of developing planning and zoning policies. It provides that the State and political subdivisions may provide an estimate of the effect of planning and zoning policies on the fair market value of private property.

LD 162 An Act To Protect the Rights of Property Owners

**Accepted Majority
(ONTP) Report**

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

This bill requires that any entity enacting or enforcing a land use regulation that creates a taking of privately owned land, defined as a reduction in fair market value of the land, provide compensation in the amount of the reduction in fair market value to the owner of the land or repeal or not enforce the regulation against that owner. The bill provides a remedy and cause of action for owners of privately owned land who are subject to a taking by a land use regulation, with a statute of limitations of three years after the effective date of this legislation or when a land use regulation creating a taking is used as a criterion for approval of a land use permit application by an owner of privately owned land, whichever comes later. Exceptions to the compensation requirements include common law nuisances, public health and safety protections, regulations enacted prior to the date of acquisition of the property by the owner or a family member of the owner and regulations consistent with the original intent of the United States Constitution and the Constitution of Maine.

Committee Amendment "A" (H-48)

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

LD 181 An Act To Create Efficiencies in Court Process

PUBLIC 78

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN BURNS	OTP-AM	H-91

This bill authorizes the Supreme Judicial Court to adopt any rules or issue any orders necessary to implement its electronic case management and filing system. The bill requires the court to notify the Legislature of any such rules or orders and to recommend any changes in law needed to implement or promote the system.

Committee Amendment "A" (H-91)

This amendment replaces the bill but retains the provision of the bill that provides the Supreme Judicial Court the authority to adopt rules governing the use of electronic forms and filing processes. The amendment authorizes the Judicial Branch to accept electronic signatures, which is already authorized for executive branch agencies under the Maine Digital Signature Act.

Enacted Law Summary

Public Law 2015, chapter 78 authorizes the Supreme Judicial Court to adopt any rules or issue any orders necessary to implement its electronic case management and filing system. It authorizes the Judicial Branch to accept electronic signatures, which is already authorized for executive branch agencies under the Maine Digital Signature Act. The court must notify the Legislature of any such rules or orders and must recommend any changes in law

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needed to implement or promote the system.

LD 199 An Act To Improve the Reporting of Child Abuse

PUBLIC 117

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

This bill amends the law regarding mandated reporters of suspected child abuse and neglect and of the suspicious death of a child by striking language allowing those reporters to cause someone else to make a report. Individual mandated reporters are still required to report suspected child abuse and neglect and suspicious death of a child.

Committee Amendment "A" (S-93)

The bill eliminates language allowing mandated reporters of child abuse and neglect to report to an institution, facility or agency rather than directly to the Department of Health and Human Services. This amendment retains the current language and instead requires a mandated reporter, described as the "notifying person," to acknowledge in writing that the mandated reporter has received confirmation that the report has been made by the institution, facility or agency to the department. If the mandated reporter does not receive that confirmation within 24 hours of notifying the institution, facility or agency, the mandated reporter is required to report directly to the department. The amendment also prohibits an employer from taking any action to prevent or discourage an employee from making a report. The amendment adds similar requirements for reports that must be made to the appropriate district attorney's office.

Enacted Law Summary

Public Law 2015, chapter 117 requires a mandated reporter of child abuse and neglect, to acknowledge in writing that the mandated reporter has received confirmation that the report has been made by the institution, facility or agency to the department. If the mandated reporter does not receive that confirmation within 24 hours of notifying the institution, facility or agency, the mandated reporter is required to report directly to the department. An employer is prohibited from taking any action to prevent or discourage an employee from making a report. Chapter 117 adds similar requirements for reports that must be made to the appropriate district attorney's office.

LD 206 An Act To Clarify Restrictions on Disclosure of E-9-1-1 System Information

PUBLIC 153

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-165

This bill amends the confidentiality provisions regarding the E-9-1-1 system as follows:

1. It replaces reference to a law enforcement officer with reference to a criminal justice agency;
2. It replaces reference to a criminal investigation with reference to the administration of criminal justice and the administration of juvenile justice; and
3. It allows release of audio recordings of E-9-1-1 calls to a person accused of a crime or that person's agent or attorney for the purposes of trial and sentencing if authorized by the prosecutor or prosecutorial office or a rule or order of a court of competent jurisdiction.

Committee Amendment "A" (H-165)

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This amendment adds a section to the bill to amend the current law definition of "confidential information" related to E-9-1-1 system information. The amendment provides that personally identifying information of a caller, a person receiving medical services or any other third party mentioned in an E-9-1-1 call is confidential. Current law protects only the name, address and telephone number of the caller and the name, address and telephone number and medical information of the person receiving medical services.

This amendment defines "personally identifying information" and "medical information." "Personally identifying information" means any information that directly or by reasonable inference might disclose the identity of or personal information about a specific person or persons. It does not include the name, title, official agency contact information or, when applicable, official agency identifying number of a public employee involved in a response to an emergency call in the course of carrying out the public employee's official duties. "Medical information" includes, but is not limited to, any information revealing or concerning a person's injury or injuries, physical health status, mental health status, medication use, medical history or medical treatment.

Enacted Law Summary

Public Law 2015, chapter 153 amends the confidentiality provisions regarding the E-9-1-1 system to provide that personally identifying information of a caller, a person receiving medical services or any other third party mentioned in an E-9-1-1 call is confidential. It amends the current definition of "confidential information" and defines "personally identifying information" and "medical information." In addition, chapter 153 allows release of audio recordings of E-9-1-1 calls to a person accused of a crime or that person's agent or attorney for the purposes of trial and sentencing if authorized by the prosecutor or prosecutorial office or a rule or order of a court of competent jurisdiction.

LD 210 An Act To Provide for Special Restrictions on Dissemination and Use of PUBLIC 354
Criminal History Record Information for Class E Crimes Committed by
an Adult under 21 Years of Age

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO WELSH	OTP-AM	S-240

This bill establishes a process to apply special restrictions on the dissemination and use of criminal history record information about an eligible criminal conviction.

Committee Amendment "A" (S-240)

This amendment changes the bill in two ways. First, it expands the crimes for which convictions are eligible for special treatment to cover all current and former Class E crimes, except any convictions for current or former Class E crimes contained in chapter 11 of the Maine Criminal Code defining sexual assaults. Second, this amendment eliminates the requirement that the Department of Public Safety, Bureau of State Police, State Bureau of Identification notify those persons who have received from the bureau within the last year criminal history record information pertaining to a person whose Class E crime conviction is subject to restricted dissemination. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2015, chapter 354 establishes a process to apply special restrictions on the dissemination and use of criminal history record information about a Class E criminal conviction, other than a conviction for a sexual assault, if the person committed the crime when at least 18 years of age but no more than 21. The person must have no other convictions and no charges pending. The person must file a motion with the court in the underlying criminal proceeding to apply for the special treatment.

Upon receipt of a court order, the Department of Public Safety, Bureau of State Police, State Bureau of

Joint Standing Committee on Judiciary

Identification must promptly alter its records relating to the person's qualifying criminal conviction to reflect that future dissemination of this criminal history record information must be pursuant to the new procedure.

The criminal history record information relating to the criminal conviction is confidential and may not be disseminated by a criminal justice agency, whether directly or through any intermediary, except to the person and to a criminal justice agency for the purpose of the administration of criminal justice and criminal justice agency employment. Unlawfully releasing the restricted information is a violation of the release of confidential information under the criminal history record information laws.

If the person is convicted of a subsequent crime, the person is required to file a written notice in the underlying criminal proceeding.

The provisions establishing the process to apply special restrictions on the dissemination and use of criminal history record information about an eligible criminal conviction are repealed October 1, 2019.

**LD 221 An Act To Amend the Laws Regarding Service Animal Housing
Accommodations**

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

PICCHIOTTI

This bill amends the laws regarding housing accommodations for individuals using service animals. It exempts a landlord from having to comply with provisions concerning service animals when the landlord has requested from an individual seeking an accommodation a letter written by a licensed health care professional or social worker that sets out details about the service animal and why the individual seeking the accommodation needs the service animal if the landlord has not received that letter within a reasonable period of time. It creates a presumption within the laws regarding forcible entry and detainer that a landlord does not have to make an accommodation for a service animal when the service animal's owner fails to comply with a set of requirements, including insurance coverage, sanitation and public safety. It allows a landlord to charge higher rent and higher security deposits and to require renter's insurance for an individual with a service animal. It also changes the law concerning rentals of one-family units in two-family dwellings exempted from the requirements of the Maine Human Rights Act by extending the exemption to one-family units in dwellings of four families or fewer.

See LD 872, Resolve 2015, chapter 36 (Agriculture, Conservation and Forestry Committee).

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 252 An Act To Increase Transparency of Entities Receiving Substantial
Amounts of Public Funding**

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

BURNS
LOCKMAN

ONTP

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

This bill proposes to enact measures designed to increase transparency by requiring that entities that receive a certain percentage of their funding from the State disclose the sources of their funding and the names of their donors on a publicly accessible website within 30 days of receipt of the donation. If the donation is associated with a specific exhibit or program, the name of the donor must be prominently displayed at the exhibit or before or after the program.

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The Judiciary Committee considered proposed committee amendments to address the conflict of interest disclosure policies of the Maine Public Broadcasting Network (MPBN), but did not go forward with the bill because MPBN revised its policies and made the new policies available on the MPBN.net website.

LD 259 An Act To Increase Compensation for Jurors ONTP

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

This bill adds parking fees to the compensation paid to citizens who serve as jurors and increases their daily compensation rate from \$10 per day to \$25 per day.

Juror daily compensation and mileage reimbursement is included in the Biennial Budget, LD 1019, Public Law 2015, chapter 267, Part A, section A-43 and Part PPP.

LD 267 An Act To Implement the Recommendations of the Truth and Reconciliation Commission CARRIED OVER

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

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

This bill proposes to implement the recommendations of the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 268 An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010 and the Federal Violence Against Women Reauthorization Act of 2013 CARRIED OVER

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

This bill amends the Act To Implement the Maine Indian Claims Settlement by:

1. Transferring jurisdiction over violations of a tribal ordinance from the State to the Passamaquoddy Tribe and the Penobscot Nation over a person who is not a member of either tribe or nation in accord with and to the extent authorized by federal law;
2. Increasing the level of certain criminal offenses from a maximum period of imprisonment of one year and a maximum fine amount of \$5,000 to a maximum period of imprisonment of three years and a maximum fine amount of \$15,000 over which the Penobscot Nation has the right to exercise exclusive jurisdiction as authorized by the federal Tribal Law and Order Act of 2010; and

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3. Clarifying that the Penobscot Nation has concurrent jurisdiction with the State over criminal offenses as authorized by the federal Violence Against Women Reauthorization Act of 2013.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 276 An Act Regarding Maine's Power of Sale Foreclosure Law

PUBLIC 147

Sponsor(s)
FREDETTE

Committee Report
OTP-AM

Amendments Adopted
H-201

This bill makes several changes to the power of sale mortgage foreclosure law in order to clarify certain provisions, improve notice to interested parties and ensure the marketability of titles.

Committee Amendment "A" (H-201)

This amendment clarifies that a power of sale foreclosure may be used only if a mortgage deed executed on or after October 1, 1993 states that it is given primarily for one or more of the following purposes: business, commercial or agricultural. The deed is not required to name all three purposes. The amendment amends the bill to retain a cross-reference to existing notice requirements and clarifies a cross-reference to provisions listing foreclosure procedures.

Enacted Law Summary

Public Law 2015, chapter 147 makes the following changes to the power of sale mortgage foreclosure law.

1. It clarifies that the statutory power of sale applies to a mortgage granted by a limited liability partnership.
2. It provides cross-references between the power of sale laws in the Maine Revised Statutes, Title 14 and those in Title 33.
3. It clarifies that a power of sale foreclosure may be used only if a mortgage deed executed on or after October 1, 1993 states that it is given primarily for one or more of the following purposes: business, commercial or agricultural. The deed is not required to name all three purposes.
3. It requires that written notice of sale be sent to all parties in interest, not just the mortgagor.
4. It provides that a written foreclosure notice may be given to the mortgagor at an address provided in writing by the mortgagor to the mortgagee.
5. It defines "parties in interest."
6. It clarifies that written foreclosure notices may be delivered to the mortgagor by certified mail in addition to registered mail.
7. It provides that a copy of a notice of foreclosure may be provided to a residential tenant by posting the notice conspicuously at each entrance to the mortgaged premises.
8. It clarifies the information that must be included in a foreclosure notice of sale.
9. It provides that property may be sold free and clear of the interests of the mortgagor and other junior parties in interest who have been sent a foreclosure notice of sale, but specifies that parties in interest having a superior

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priority are not affected by the foreclosure.

10. It requires a foreclosing mortgagee to execute a purchase and sale agreement with the highest bidder at a public sale and provides that, if the highest bidder fails to perform on the agreement, the foreclosing mortgagee may execute an agreement with the next highest bidder.

11. It provides that a foreclosure sale may be adjourned for up to 30 days and from time to time until a sale is made.

12. It clarifies the information relating to a foreclosure that must be included in the recorded foreclosure affidavit.

13. It provides that a foreclosure affidavit must be recorded within 30 days after the date of delivery of the deed to the purchaser at the foreclosure sale rather than 30 days after the date of the sale.

14. It requires a mortgagee to correct an error in a recorded foreclosure affidavit. Current law provides for such an error to be corrected by the Superior Court. The bill retains the provision of current law that provides that the amended affidavit does not prejudicially affect any title or interest in land that may have arisen or have been created between the recording of the original and the amended affidavits.

15. It provides that, if a mortgagee is the purchaser at a public sale, any deficiency is limited to the difference between the fair market value of the premises at the time of the sale, as established by an independent appraisal, and the sum due the mortgagee with interest plus the expenses incurred in making the sale.

16. It provides that the assignment of a mortgage during the foreclosure process does not affect the validity of the foreclosure and, upon the recording of the assignment of mortgage, the assignee of the mortgage may complete the foreclosure.

17. It exempts individuals conducting mortgage foreclosure sales from auctioneer licensing requirements of Title 32. Current law exempts only individuals conducting foreclosure sales pursuant to a court order.

18. It provides that a public foreclosure sale must be held in the county where the real estate is situated rather than on or near the premises.

LD 303 An Act To Improve Communications Regarding Executive Sessions

ONTP

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

This bill allows public disclosure of otherwise confidential records and information related to an executive session regarding a public employee when that employee publicly discloses information about the matter discussed in that executive session. The bill applies to records and information held by the Department of Administrative and Financial Services, Bureau of Human Resources for an employee of the executive or legislative branch, as well as records and information held by a county or municipality.

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LD 309 An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens

Died Between Houses

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

This bill proposes standards for relief when state regulation imposes an inordinate burden on an individual property owner, as well as efficient mechanisms for pursuit of such relief. The bill provides that, if a property owner's right to use, divide, sell, occupy or possess real property is reduced by the enactment or application of a government regulation, the property owner may seek and obtain relief. Under the provisions of the bill, prior to filing an action, the property owner must pursue relief under a land use mediation program.

Committee Amendment "A" (S-124)

This amendment is the minority report of the committee. It adds a takings variance as an option for the State when a property owner's land is subject to a regulatory taking. A takings variance is a decision by the State to permit departure from the requirements of a regulation. If a fact finder determines that a regulatory taking has occurred, the State must choose between paying damages to the property owner, as provided in the bill, and granting a takings variance. Granting a takings variance means that the regulation causing the regulatory taking will not be applied to the property. The State may also grant a takings variance as a settlement offer as part of the mandatory mediation process.

LD 321 An Act To Protect Consumers against Residential Real Estate Title Defects

PUBLIC 289

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT HASKELL	OTP-AM	H-425

The purpose of this bill is to protect consumers against defects in titles to real estate in which Mortgage Electronic Registration Systems, Inc., appears in the chain of title. Under current Maine law, according to *Bank of America v. Greenleaf*, 2014 ME 89, 102 A.3d 774, any action by Mortgage Electronic Registration Systems, Inc., other than the recording of a mortgage, is invalid and of no force or effect. A large proportion of Maine residential real estate transactions include Mortgage Electronic Registration Systems, Inc. in the chain of title, putting consumers at risk of a defect in the title to their property.

This bill amends Maine law to eliminate that risk by establishing the presumption that a nominee mortgagee has the authority to assign or otherwise affect the mortgage even if the instrument assigning authority to the nominee mortgagee does not specifically so state. The authority is not presumed if the instrument explicitly negates the authority or if a separate written instrument negates the authority and that instrument is recorded in the appropriate registry of deeds.

Committee Amendment "A" (H-425)

This amendment clarifies that a person or entity may be named as nominee to hold a mortgage. This amendment provides that the provisions of the bill apply to the following:

1. A discharge or partial release issued prior to the effective date of this legislation, whether made by a nominee mortgagee or by a subsequent assignee;

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- 2. A discharge or partial release issued on or subsequent to the effective date of this legislation, whether made by a nominee mortgagee or by a subsequent assignee; and
- 3. An assignment or other instrument affecting title to a mortgaged property that is the subject of a foreclosure judgment or other legal judgment affecting title to a mortgaged property for which, as of the effective date of this legislation, either the period for appeal has run with no appeal having been filed or all rights of appeal have been exhausted.

Enacted Law Summary

Public Law 2015, chapter 289's purpose is to protect consumers against defects in titles to real estate in which Mortgage Electronic Registration Systems, Inc. appears in the chain of title. Under current Maine law, according to *Bank of America v. Greenleaf*, 2014 ME 89, 102 A.3d 774, any action by Mortgage Electronic Registration Systems, Inc., other than the recording of a mortgage, is invalid and of no force or effect. A large proportion of Maine residential real estate transactions include Mortgage Electronic Registration Systems, Inc. in the chain of title, putting consumers at risk of a defect in the title to their property.

Chapter 289 amends Maine law to eliminate the risk by establishing the presumption that a nominee mortgagee, which can be a person or entity named as a nominee to hold a mortgage, has the authority to assign or otherwise affect the mortgage even if the instrument assigning authority to the nominee mortgagee does not specifically so state. The authority is not presumed if the instrument explicitly negates the authority or if a separate written instrument negates the authority and that instrument is recorded in the appropriate registry of deeds.

Chapter 289 applies to the following:

- 1. A discharge or partial release issued prior to the effective date of this legislation, whether made by a nominee mortgagee or by a subsequent assignee;
- 2. A discharge or partial release issued on or subsequent to the effective date of this legislation, whether made by a nominee mortgagee or by a subsequent assignee; and
- 3. An assignment or other instrument affecting title to a mortgaged property that is the subject of a foreclosure judgment or other legal judgment affecting title to a mortgaged property for which, as of the effective date of this legislation, either the period for appeal has run with no appeal having been filed or all rights of appeal have been exhausted.

LD 328 An Act To Allow Personal Representatives of Children Access to Certain Documents of the Department of Health and Human Services Regarding Child Protective Activities

PUBLIC 198

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

This bill allows the Department of Health and Human Services to disclose information regarding the abuse and neglect of a child to the personal representative of the child.

Committee Amendment "A" (H-202)

This amendment corrects the terminology in the bill to allow the Department of Health and Human Services to disclose relevant information in child protection records to the personal representative of the estate of a child named in a record who is reported to be abused or neglected.

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Enacted Law Summary

Public Law 2015, chapter 198 allows the Department of Health and Human Services to disclose relevant information in child protection records to the personal representative of the estate of a child named in a record who is reported to be abused or neglected.

LD 330 An Act To Protect Rights and Privileges Granted under the United States Constitution and the Constitution of Maine Died Between Houses

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

This bill is based on Tennessee Public Acts, 2010, Public Chapter Number 983. The bill addresses the application of foreign law in this State.

Committee Amendment "A" (H-462)

This amendment is the minority report of the committee, and it replaces the bill. It addresses the application of foreign law in this State with the goal of protecting American citizens' constitutional rights when foreign laws and foreign legal doctrines are applied in judicial and administrative tribunals and mediation. The amendment provides that:

1. A court or administrative ruling violates the public policy of this State and is void and unenforceable if it is based in whole or in part on a foreign law, legal code or legal system that would not grant the same liberties, rights and privileges as are granted under the United States Constitution and the Constitution of Maine;
2. A contract's choice of law provision that chooses such a foreign law, legal code or legal system to govern aspects of the contract is void and unenforceable if the foreign law, legal code or legal system does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine;
3. A contract's choice of personal jurisdiction provision that provides jurisdiction over the parties that applies a foreign law, legal code or legal system to govern aspects of the contract is void and unenforceable if the foreign law, legal code or legal system does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine;
4. The court must deny a claim of forum non conveniens or related claim if granting the claim would subject the nonclaimant to a foreign forum that applies a foreign law, legal code or legal system that does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine;
5. The law does not apply to a corporation, partnership, limited liability company, business association or legal entity that contracts to subject itself to a foreign law, legal code or legal system in a jurisdiction other than this State or the United States;
6. The law does not limit the free exercise of religion or require or authorize a court to adjudicate issues within a religious organization that would violate the First Amendment's establishment clause; and
7. The law may not be interpreted to conflict with any relevant treaty or international agreement.

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LD 344 An Act To Amend the Laws Governing the Confidentiality of Library Records

PUBLIC 81

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

Current law designates as confidential library records that identify the books or materials a patron uses at a public library, the Maine State Library, the Law and Legislative Reference Library and the libraries of the University of Maine System, the Maine Community College System and the Maine Maritime Academy.

This bill retains that designation of confidentiality and also designates as confidential personally identifying information about the library patron. The bill also retains the provision that the confidential information may be released with the written permission of the library patron or pursuant to a court order but adds language permitting the confidential information to be released to officers, employees, volunteers and agents of the library for administrative purposes. The bill clarifies that a library may publish and release as a public record aggregated and statistical information about library use if the confidentiality of a library patron's personally identifying information is not jeopardized.

Enacted Law Summary

Public Law 2015, chapter 81 designates as confidential personally identifying information about a library patron and permits the confidential information to be released to officers, employees, volunteers and agents of the library for administrative purposes. It clarifies that a library may publish and release as a public record aggregated and statistical information about library use if the confidentiality of a library patron's personally identifying information is not jeopardized.

LD 346 An Act To Require Shared Parenting of Minor Children When the Parents Separate

ONTP

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

This bill requires the court to order shared parenting when parents of minor children separate unless the court finds proof of domestic abuse, drug use or neglect in the family. It requires the court to start with the presumption of shared parenting when determining the best interest of the child and to incorporate into the order the sharing of parental rights and responsibilities agreed to by the parents unless there is proof of domestic abuse, drug use or neglect in the family.

LD 349 An Act To Ensure Accountability of Guardians Ad Litem

ONTP

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

This bill:

1. Removes the quasi-judicial immunity provided to guardians ad litem by statute;

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2. Allows a cause of action and the award of punitive damages against guardians ad litem who falsely accuse parties of abuse or neglect or who intentionally exclude relevant information from reports to the parties or the court;
3. Requires the court to impose limits on the extent of investigations to be undertaken by a guardian ad litem;
4. Requires all guardians ad litem to have a minimum amount of completed course work in social work; and
5. Requires the court to set expenditure limits on guardian ad litem fees and any other costs incurred in investigations or the completion of the duties of the appointment.

LD 351 An Act To Reinstate as a Nonprofit Corporation the Orchard Hills Umbrella Association ONTP

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

This bill reinstates the Orchard Hills Umbrella Association, a nonprofit corporation with the purpose of maintaining the Orchard Hills Parkway in the City of Bangor that was administratively dissolved by the Secretary of State in 1989. See LD 1425, Public Law 2015, chapter 254.

LD 360 An Act To Clarify That the Information Gathered during Investigations of Attorneys by the Maine Commission on Indigent Legal Services Is Confidential PUBLIC 290

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

This bill clarifies that information obtained or gathered by the Maine Commission on Indigent Legal Services when the commission is performing an investigation of an attorney is confidential. The bill retains the provision of current law that provides that information obtained or gathered by the commission when performing an evaluation of an attorney is confidential.

Enacted Law Summary

Public Law 2015, chapter 290 clarifies that information obtained or gathered by the Maine Commission on Indigent Legal Services when the commission is performing an investigation of an attorney is confidential.

LD 401 An Act To Create Transparency in the Mortgage Foreclosure Process PUBLIC 229

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS JOHNSON	OTP-AM	H-257

This bill requires a mortgage loan owner to conduct a foreclosure in the name of the mortgage loan owner, instead of a mortgage loan servicer, to ensure that courts and parties know that the foreclosing plaintiff is the mortgage loan owner and the entity whose loan modification programs affect the ability of homeowners to obtain loan modifications.

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Under current Maine law, if two or more defendants are found to be liable to a plaintiff for the same injury, the defendants are jointly and severally liable for the full amount of the plaintiff's damages.

This bill provides that, if a defendant is less than 50% at fault for the plaintiff's injury, that defendant's liability for damages is equal to the percentage attributable to that defendant. This limitation also applies to claims for contribution and actions brought by another defendant.

Committee Amendment "A" (S-125)

This amendment, which is the minority report of the committee, replaces the bill, and provides that, if two or more defendants are found to be liable for a plaintiff's injury, then the defendants are jointly and severally liable for the plaintiff's pecuniary damages, but each defendant is only severally liable for nonpecuniary damages proportionate to the percentage of fault attributable to that defendant. If the defendants acted in concert, they are jointly and severally liable for the nonpecuniary damages as well.

LD 448 An Act Regarding the Use of Remote-access Technology at Public Meetings of the Public Utilities Commission ONTP

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

This bill specifically authorizes the commissioners of the Public Utilities Commission to participate in proceedings of the commission through telephonic, video, electronic or similar means of communication.

See also LD 1241.

LD 451 An Act To Improve Disclosure Procedures PUBLIC 275

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-259

This bill provides for the removal of the sunset provisions contained in Public Law 2013, chapter 150. It clarifies that the amendments made by Public Law 2013, chapter 150 apply to small claims court disclosure proceedings and allows the judgment creditor to obtain Department of Labor wage information when the judgment debtor has not conformed to the requirements of an installment payment order.

Committee Amendment "A" (S-259)

This amendment provides that the court shall order the Department of Labor to provide employment information about a judgment debtor after the judgment debtor has failed to make two or more payments required by an installment payment order in response to an ex parte motion and affidavit filed by the judgment creditor. The amendment requires the affidavit to describe how payments made by the judgment debtor, including those received late, have been applied to support the judgment creditor's motion based on there being at least two unpaid installment payments.

This amendment adds language consistent with current law that provides that the judgment creditor may serve the order on the Department of Labor by ordinary mail and that the order must be accompanied by a reasonable fee set by the Department of Labor to cover the costs of processing the request and providing the employment information. The Department of Labor must provide the employment information to the judgment creditor within 20 days after receiving the court order. The fee the Department of Labor may require to respond to a court order for employment

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information under the existing law is set by the department; the amendment requires that the fee be calculated by the department to cover the full labor, overhead and other costs of administering the order pursuant to state rules and federal regulations.

The amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2015, chapter 275 provides for the removal of the sunset provisions contained in Public Law 2013, chapter 150. It clarifies that the amendments made by Public Law 2013, chapter 150 apply to small claims court disclosure proceedings and allows the judgment creditor to obtain Department of Labor wage information when the judgment debtor has not conformed to the requirements of an installment payment order. The judgment creditor must file an affidavit that describes how payments made by the judgment debtor, including those received late, have been applied to support the judgment creditor's motion based on there being at least two unpaid installment payments. The judgment creditor may serve the order on the Department of Labor by ordinary mail and the order must be accompanied by a reasonable fee set by the Department of Labor to cover the costs of processing the request and providing the employment information. The Department of Labor must provide the employment information to the judgment creditor within 20 days after receiving the court order. The fee the Department of Labor may require is set by the department and must be calculated by the department to cover the full labor, overhead and other costs of administering the order pursuant to state rules and federal regulations.

Chapter 275 includes Other Special Revenue Funds allocations and corresponding Federal Expenditures Fund deallocations to the Employment Security Services program within the Department of Labor to transfer and reallocate the cost of the vacant Office Associate II position from the Federal Expenditures Fund to Other Special Revenue Funds. Chapter 275 also includes Other Special Revenue Funds allocations for the All Other costs. It is assumed that sufficient revenue will be generated from the fees to cover the personal services and all other costs of the position.

LD 482 An Act To Prohibit Flying over Land with Drones without Written ONTP
Permission from the Landowner

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

This bill makes operating an unmanned aerial vehicle over the land of another without written permission of the landowner a civil trespass punishable by a fine of not less than \$500.

See also LD 25, Public Law 2015, chapter 307.

LD 484 An Act Regarding the Confidentiality of Railroad Carrier Cargo PUBLIC 161

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW	OTP-AM	H-181

This bill adds an additional public records exception to the Freedom of Access Act to cover records describing commodities transported by a railroad in this State when those records are in the possession of law enforcement, fire departments or other first responders or emergency management entities.

Committee Amendment "A" (H-181)

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This amendment clarifies that the exception to the definition of "public record" proposed in the bill is limited to records provided by a railroad company that describe hazardous materials that are transported by the railroad company, the routes of the hazardous materials shipments and the frequency of the hazardous materials operations on those routes when those records are in the possession of state or local emergency management entities or law enforcement agencies, fire departments or other first responders. The amendment also provides that "hazardous material" has the same definition as in 49 Code of Federal Regulations, Section 105.5.

Enacted Law Summary

Public Law 2015, chapter 161 creates a new exception to the definition of "public record" limited to records provided by a railroad company that describe hazardous materials that are transported by the railroad company, the routes of the hazardous materials shipments and the frequency of the hazardous materials operations on those routes when those records are in the possession of state or local emergency management entities or law enforcement agencies, fire departments or other first responders. "Hazardous material" has the same definition as in 49 Code of Federal Regulations, Section 105.5.

LD 485 An Act To Allow Licensed Foresters To Use Mechanics Liens PUBLIC 56

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

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

Enacted Law Summary

Public Law 2015, chapter 56 adds licensed foresters to the list of persons who can place a lien on the property of another for nonpayment of services.

LD 513 An Act To Clarify the Protections of Court Appointed Special Advocate Workers under State Law ONTP

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

This bill amends the laws applicable to individuals who volunteer to serve as court appointed special advocates. Current law provides quasi-judicial immunity for acts performed within the scope of the volunteer's duties as a guardian ad litem. The bill requires the State, with the consent of the volunteer, to assume the defense of the volunteer and indemnify the volunteer against a claim that arises out of the volunteer's work as a court appointed special advocate. In addition, this bill requires the State to reimburse out-of-pocket medical costs and costs to repair or replace personal property, such as broken eyeglasses, if the injury or damage occurs during the person's performance of services and within the person's scope of the duties of the court appointed special advocate.

LD 531 An Act To Establish the Maine Fourth Amendment Protection Act Died Between Houses

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

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This bill prohibits the State and its political subdivisions from assisting, participating with or providing material support or resources to enable or facilitate a federal agency in the collection or use of a person's electronic data or metadata without the person's informed consent, without a warrant based upon probable cause that particularly describes the person, place or thing to be searched or seized or without acting in accordance with a legally recognized exception to the warrant requirements.

Committee Amendment "A" (S-275)

This amendment, which is the majority report of the committee, clarifies the language in the bill concerning the permitted activities of the State and its political subdivisions in participating with a federal agency in the collection and use of a person's electronic data and metadata. It also specifies that the prohibition applies to electronic data and metadata associated with a person's landline, cellular or satellite telephone, handheld electronic device, global positioning system device, personal computer, e-mail account, private messaging service or cloud database service.

LD 553 An Act To Include a Representative of the Aroostook Band of Micmacs ONTP
in the House of Representatives

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

This bill makes the statutory changes necessary to include a representative of the Aroostook Band of Micmacs in the Maine House of Representatives beginning with the 128th Legislature.

LD 574 An Act To Amend the Laws Governing the Membership of the Maine Veto Sustained
Commission on Domestic and Sexual Abuse

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

This bill allows the designee of a county sheriff appointed to the Maine Commission on Domestic and Sexual Abuse to serve on the commission and replaces one at-large member with the executive director of a tribal coalition against sexual assault and domestic violence. The current at-large member will serve until the expiration of that member's term.

LD 583 An Act To Clarify the Law Governing Mortuary Trust Accounts as They ONTP
Relate to the Uniform Unclaimed Property Act

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

This bill clarifies that presumptive abandonment of demand, savings and time deposit accounts does not apply to prearranged funeral and burial plans. Those plans are explicitly covered by the Maine Revised Statutes, Title 33, section 1953, subsection 1, paragraph P.

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**LD 584 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Prohibit the Denial of Equal Rights Based on the Sex of an
Individual** **Died On
Adjournment**

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

This resolution proposes to amend the Constitution of Maine to prohibit the denial of equal rights based on the sex of an individual.

Committee Amendment "A" (H-284)

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

**LD 611 An Act To Improve the Transparency of Decision-making Bodies of
Publicly Funded Hospitals** **Accepted Majority
(ONTP) Report**

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

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

Committee Amendment "A" (H-444)

This amendment is the minority report of the committee.

This amendment replaces the bill and changes the title. It amends the laws governing hospitals to require every hospital licensed in this State to hold at least annually a public meeting to discuss issues relating to the operation of the hospital and concerns of the community with respect to the delivery of services at the hospital.

**LD 631 Resolve, Directing the Department of Professional and Financial
Regulation To Conduct a Sunrise Review Regarding the Proposal To
License Guardians Ad Litem** **ONTP**

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

This resolve requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes of the proposal to license guardians ad litem.

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LD 642 An Act To Amend the Laws Regarding the Best Interest of the Child ONTP
Standard

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

This bill amends the best interest of the child standard used by courts in making decisions regarding parental rights and responsibilities with respect to a child by requiring the court to consider the value of having both parents involved in the child's life.

LD 670 An Act To Amend the Laws Governing the Unlawful Cutting of Trees PUBLIC 241

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH SAVIELLO	OTP-AM	H-355

This bill allows a landowner within an area zoned for residential use to recover the costs of replanting and restoring trees that have been cut down without permission of the landowner.

Committee Amendment "A" (H-355)

This amendment replaces the bill to clarify the language regarding damages for the unlawful cutting of trees.

The amendment makes a distinction between the unlawful cutting of trees in areas zoned for residential use and the unlawful cutting of trees in other areas. It also makes a distinction between the unlawful cutting of ornamental or fruit trees and the unlawful cutting of all other trees.

Enacted Law Summary

Public Law 2015, chapter 241 provides for consequences for the unlawful cutting of trees. It makes a distinction between the unlawful cutting of trees in areas zoned for residential use and the unlawful cutting of trees in other areas. It also makes a distinction between the unlawful cutting of ornamental or fruit trees and the unlawful cutting of all other trees. If a person cuts down or damages trees without permission on land the person does not own, the person is liable to the owner for damages.

The owner of the land may choose which valuations and calculations to apply to determine the damages to be paid. The court may reduce the damages awarded for good cause shown when the cutting of trees was done negligently or without fault.

Chapter 241 authorizes an additional award of punitive damages if the person acted with malice, and deletes the cap on the recovery of costs of professional services for asserting a claim, including attorney's fees.

Chapter 241 provides that public utilities and their contractors are not liable for damages when the cutting or removal of trees is necessary to improve the safety and reliability of the public utilities' delivery of products and services.

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LD 686 An Act To Promote Privacy in Social Media

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T BREEN	OTP-AM ONTP	H-440

The bill prohibits an employer from requiring or coercing an employee or applicant to disclose passwords or provide access to a personal social media account, to change settings or contacts associated with a social media account or to provide social media account information, except when the employer reasonably believes it to be relevant to an investigation of allegations of employee misconduct or workplace-related violations. The employer cannot take any adverse action against an employee or applicant for refusing to provide information or access. The prohibitions do not apply when an employer has a duty to screen employees or applicants or to monitor or retain employee communications required under specified federal laws.

Committee Amendment "A" (H-440)

This amendment is the majority report of the committee. It makes clear that, although generally an employer cannot request or coerce an employee or applicant to disclose any personal social media account information, there is an exception: an employer may require an employee to disclose personal social media account information reasonably believed to be relevant to an investigation of allegations of employee misconduct or a workplace violation of applicable laws, rules or regulations and when requiring the disclosure is not otherwise prohibited by law, as long as the information disclosed is accessed and used solely to the extent necessary for the purposes of that investigation or a related proceeding.

This amendment makes clear that an employer retains the right to promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including a requirement for an employee to disclose to the employer the employee's user name, password or other information necessary to access employer-issued electronic devices, including but not limited to cellular telephones and computers, or to access employer-provided software or e-mail accounts.

This amendment deletes the private right of action in the bill and instead imposes graduated fines to be imposed by the Department of Labor. The amendment also adds an appropriations and allocations section.

The bill as amended is included in Senate Amendment A to Committee Amendment B (S-323) to LD 921 and is Part B of Public Law 2015, chapter 343.

LD 731 An Act To Increase Compensation for Active Retired Judges

ONTP

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

This bill raises the per diem compensation for active retired judges and justices from \$300 per day to \$500 per day. It fixes the per diem compensation for active retired family law magistrates at 75% of the per diem compensation paid to active retired judges. It also limits per diem compensation received by an active retired judge, justice or family law magistrate in any calendar year to 75% of the annual salary of a full-time judge, justice or family law magistrate, respectively, and provides that an active retired judge, justice or family law magistrate does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit,

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including health, dental and life insurance. The same proposed increases were included in the Governor's original Biennial Budget.

LD 735 An Act To Establish a Voluntary Preforeclosure Mediation Program

ONTP

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

This bill provides Maine consumers with an opportunity to avoid home mortgage foreclosure by participating in mediation at an early stage of default before foreclosure has commenced. A mortgagee may request a mortgagor to participate in preforeclosure mediation if the property subject to the mortgage is owner-occupied residential property of four or fewer units, and the mortgage payment is at least 35 days late. A mortgagor who participates or who fails or refuses to participate in the preforeclosure mediation program when requested to do so is not entitled to participate in the existing foreclosure mediation program. Current law provides for foreclosure mediation only after a foreclosure has been filed in court.

LD 756 An Act To Enhance the Address Confidentiality Program Regarding Property Records

PUBLIC 313

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M JOHNSON	OTP-AM	H-472

This bill amends the Address Confidentiality Program statute to make clear that the protected address of a certified program participant in the possession of a state or local government agency or court that has been authorized to use it for bona fide statutory, administrative or law enforcement purposes otherwise remains confidential and must be kept under seal and excluded from inspection by the public.

The bill amends the laws governing the registry of deeds and assessment of property taxes to provide address confidentiality protection to participants in the program upon request. In the registry of deeds, a program participant's Address Confidentiality Program identification number rather than name must be used in the record on the registry's publicly accessible website. A municipal assessor must include the identification number rather than the program participant's name in the assessment.

Committee Amendment "A" (H-472)

This amendment removes a provision in the bill regarding the obligations of all government agencies and courts with regard to participants in the Address Confidentiality Program.

This amendment removes a provision in the bill authorizing the use of an Address Confidentiality Program participant's identification number in lieu of the participant's name on documents filed with the register of deeds.

The amendment adds a provision to the tax laws allowing an Address Confidentiality Program participant to request that the municipal assessor redact the participant's name on the declaration of value form on file at the municipal office prior to disclosure.

Enacted Law Summary

Public Law 2015, chapter 313 amends the Address Confidentiality Program to clarify when the address or mailing address may be released to law enforcement or other governmental entities. It also adds a provision to the tax laws allowing an Address Confidentiality Program participant to request that the municipal assessor redact the

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participant's name on the declaration of value form on file at the municipal office prior to disclosure.

LD 774 An Act To Assist Victims of Crime To Obtain Restitution

PUBLIC 109

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	H-135

This bill provides a civil remedy for victims of crime when restitution has not been paid as ordered. The bill deems an order to make restitution a money judgement and sets requirements for the enforcement. Specifically, the bill requires that prior to entry of the order to pay restitution, the court informed the defendant of the right to a judicial determination of the amount of restitution and the restitution hearing was held, or the defendant waived the hearing or stipulated the amount of restitution and that after the court ordered payment of restitution, the clerk of the court entered the order to pay restitution in the same manner as a judgment in a civil action is entered.

Committee Amendment "A" (H-135)

This amendment replaces the bill and provides a civil remedy for victims of crime when restitution has not been paid as ordered. The amendment requires that an order to make restitution be entered by the clerk in the same manner as a judgment in a civil action at the request of the attorney for the State or a person entitled to restitution under the order. The amendment provides that after the order is entered in the same manner as a judgment in a civil action, the order is deemed a money judgment enforceable in accordance with the Maine Revised Statutes, Title 14, chapter 502.

Enacted Law Summary

Public Law 2015, chapter 109 provides a civil remedy for victims of crime when restitution has not been paid as ordered. Chapter 109 requires that an order to make restitution be entered by the clerk in the same manner as a judgment in a civil action at the request of the attorney for the State or a person entitled to restitution under the order. After the order is entered in the same manner as a judgment in a civil action, the order is deemed a money judgment enforceable in accordance with the Maine Revised Statutes, Title 14, chapter 502.

LD 775 An Act To Streamline Judicial Review of Certain Land Use Decisions

CARRIED OVER

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

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

This bill proposes to establish a streamlined judicial review process of major land use permitting decisions in order to facilitate economic development and reduce overall costs and the time associated with issuing permits for new developments. A proposed committee amendment was provided before the public hearing.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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LD 776 An Act To Update the Validation of Miscellaneous Defects and Defective Acknowledgments in the Conveyance of Real Estate

PUBLIC 157

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

This bill updates the laws that validate real estate titles despite the presence of certain technical defects in related documents to cure defects occurring between January 1, 2000 and December 31, 2012.

Enacted Law Summary

Public Law 2015, chapter 157 updates the laws that validate real estate titles despite the presence of certain technical defects in related documents to cure defects occurring between January 1, 2000 and December 31, 2012.

LD 778 Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services

CARRIED OVER

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

This resolve provides for legislative review of portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a major substantive rule of the Maine Commission on Indigent Legal Services that was filed outside the legislative rule acceptance period.

This resolve was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 820 An Act To Amend and Clarify Certain Notice and Assessment Provisions of the Maine Condominium Act

PUBLIC 122

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

This bill amends the Maine Condominium Act in the following ways.

1. It allows notice of the annual meeting of a unit owners' association to be sent to a unit owner by electronic means to any electronic address designated by the unit owner.
2. It changes from 14 to 10 the minimum number of days for notice of a budget meeting of a unit owners' association.
3. It authorizes the executive board of a unit owners' association to make special assessments and specifies the procedure for approving special assessments with certain limitations.

Enacted Law Summary

Public Law 2015, chapter 122 amends the Maine Condominium Act in the following ways.

1. It allows notice of the annual meeting of a unit owners' association to be sent to a unit owner by electronic means

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to any electronic address designated by the unit owner.

2. It changes from 14 to 10 the minimum number of days for notice of a budget meeting of a unit owners' association.

3. It authorizes the executive board of a unit owners' association to make special assessments and specifies the procedure for approving special assessments with certain limitations.

LD 829 An Act To Amend the Trespass Laws Pertaining to Railroad Property

**PUBLIC 204
EMERGENCY**

Sponsor(s)

SHAW

Committee Report

OTP-AM

Amendments Adopted

H-203

This bill establishes within each division of the District Court a railroad bureau and a violations clerk to accept written appearances, waivers of trial, pleas of guilty and payments of fines and costs for civil violations of railroad trespass laws. This bill designates as a Class E crime trespassing on railroad property after three convictions for civil violations of the railroad trespass laws. This bill increases the minimum fines for civil violations of railroad trespass laws.

Committee Amendment "A" (H-203)

This amendment adds an emergency preamble and clause. It removes the provisions of the bill that require the creation of a railroad bureau within the District Court, but keeps the provisions that create a Class E crime for four or more trespassing violations and that increase the minimum fines for trespassing violations. The Chief Judge of the District Court has authority to designate which offenses are waivable offenses, allowing the writing of a Violation Summons and Complaint, an example of which is a traffic ticket, to allow a violator to waive a court appearance and pay the fine for the violation through the violations bureau.

Enacted Law Summary

Public Law 2015, chapter 204 creates a Class E crime for four or more railroad track trespassing violations and increases the minimum fines for trespassing violations.

Public Law 2015, chapter 204 was enacted as an emergency measure effective June 16, 2015.

LD 846 An Act To Expedite Final Hearings in Certain Foreclosure Cases

PUBLIC 243

Sponsor(s)

HOBBS

Committee Report

OTP-AM

Amendments Adopted

H-356

This bill permits an authorized employee of a financial institution or credit union instead of an attorney to attend a foreclosure mediation on behalf of the financial institution or credit union, allows a defendant to affirmatively decline attending the mediation, grants authority to the mediator to determine the location of the mediation and clarifies that the financial institution or credit union is required to appear only at a required mediation scheduled by the court.

Committee Amendment "A" (H-356)

This amendment replaces the bill. This amendment provides a process for a plaintiff in a judicial foreclosure to seek an expedited final hearing.

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Enacted Law Summary

Public Law 2015, chapter 243 provides a process for a plaintiff in a judicial foreclosure to seek an expedited final hearing.

The request for an expedited final hearing must indicate that mediation did not result in the settlement or dismissal of the action or indicate that the defendant has not filed an answer to the complaint and all parties that have filed an answer in the action have consented to the expedited hearing. The request must be accompanied by a consent form that informs defendants that they may consult with an attorney or a housing counselor before consenting to an expedited hearing, indicates that all of the defendants and all of the parties in interest that have appeared in the action have consented to an expedited final hearing and is signed by all of the defendants and all of the parties in interest that have appeared in the action.

Upon receiving a properly filed request for an expedited final hearing the court must, as the interests of justice permit, set an expedited final hearing not less than 45 days after the request is filed. In the expedited hearing, notwithstanding that a default may already have been entered against the defendant, the defendant may appear and defend. The burden of proof and legal requirements for entry of a judgment of foreclosure are the same as in other foreclosure actions. After the expedited final hearing, the court must issue a written judgment of foreclosure, dismissal with or without prejudice or judgment for the defendant as expeditiously as the interests of justice permit.

**LD 851 Resolve, Regarding Legislative Review of Portions of Chapter 2:
Standards for Qualifications of Assigned Counsel, a Late-filed Major
Substantive Rule of the Maine Commission on Indigent Legal Services**

**RESOLVE 38
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-412

This resolve provides for legislative review of portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services that was filed outside the legislative rule acceptance period.

Committee Amendment "A" (H-412)

This amendment requires that the Maine Commission on Indigent Legal Services amend the proposed rule on standards for qualifications of assigned counsel to require that an attorney on the roster inform the commission in writing within five days of the filing of any criminal charge against the attorney. The provisionally adopted rule requires the report to be made promptly.

Enacted Law Summary

Resolve 2015, chapter 38 provides for legislative review of portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services that was filed outside the legislative rule acceptance period. The provisionally adopted rule includes standards for qualifications of assigned counsel to require that an attorney on the roster inform the commission in writing if a criminal charge is filed against the attorney. The rule may be finally adopted if it is amended to require the report to be made within five days of the filing of the criminal charges.

Resolve 2015, chapter 38 was finally passed as an emergency measure effective June 30, 2015.

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LD 861 An Act To Protect Victims of Domestic Violence, Sexual Assault or Stalking

PUBLIC 293

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

This bill amends the laws governing residential leases in instances where a tenant is a victim of domestic violence, sexual assault or stalking. The bill prohibits a landlord from evicting a tenant because of an instance of domestic violence, sexual assault or stalking. It also renders the perpetrator liable for certain damages.

Enacted Law Summary

Public Law 2015, chapter 293 amends the laws governing residential leases in instances where a tenant is a victim of domestic violence, sexual assault or stalking. It prohibits a landlord from evicting a tenant because of an instance of domestic violence, sexual assault or stalking. It also renders the perpetrator liable for certain damages.

LD 864 An Act To Require Parenting Plans To Be Timely Filed

ONTP

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

This bill establishes the requirement that courts incorporate a parenting plan into any order that addresses parental rights and responsibilities.

LD 890 An Act To Ensure a Continuing Home Court for Cases Involving Children

CARRIED OVER

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

This bill extends the jurisdiction of the District Court to be concurrent with the Probate of Courts over matters concerning custody or other parental rights of a child under the Maine Revised Statutes, Title 18-A, including, but not limited to, adoption, termination of parental rights, change of name and guardianship of a minor. The District Court has exclusive, continuing jurisdiction over a matter concerning custody or other parental rights of a child if an interim or final order concerning the child was entered in the District Court and remains in effect, proceedings seeking such an order are pending in the District Court or a matter has been removed to the District Court from the Probate Court.

This bill provides that, in any matter concerning custody or other parental rights of a child, the judge of the District Court or the Probate Judge who is presiding require all parties to disclose whether they have knowledge of any interim or final order then in effect concerning custody or other parental rights of the minor child, any proceeding seeking such an order or other related actions currently filed or pending before any court of this or another state. If the proceeding is in a Probate Court and the judge determines that the District Court has exclusive, continuing jurisdiction, the Judge of Probate must transfer the case to the District Court.

Upon petition by a party to a proceeding involving guardianship, adoption, change of name or other matters concerning custody or other parental rights of a minor child brought in the Probate Court, the proceeding may be

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removed to the District Court under such procedures as the Supreme Judicial Court may by rule provide if any civil matter involving the minor child is pending or has been finally adjudicated in the District Court.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 891 An Act To Help Municipalities Dispose of Certain Abandoned Property

PUBLIC 244

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER BURNS	OTP-AM	H-296 H-304 MAKER

This bill simplifies the process for a mobile home park owner, operator or municipality to dispose of a deserted, vacant mobile home or manufactured housing that has been unclaimed by a tenant without any notice to the tenant. The bill provides protection from liability for a municipality that disposes of such deserted property.

Committee Amendment "A" (H-296)

This amendment, which replaces the bill, authorizes municipalities, through the adoption of an appropriate ordinance, to provide for the care, maintenance and security of abandoned mobile homes, up to and including taking possession and disposing of the abandoned mobile home. It also establishes process and notice requirements for implementation of the ordinance.

House Amendment "A" to Committee Amendment "A" (H-304)

This amendment amends Committee Amendment "A" and makes several changes.

1. It clarifies the definition of "responsible party" to provide that there may be more than one owner of a mobile home who is a responsible party, to strike a reference to a lienholder and to add that a mortgagee is not included as a responsible party.
2. It requires a foreclosing mortgagee initiating a foreclosure action on a property to notify the municipality where the property is situated and designate an in-state representative responsible for responding to municipal inquiries regarding the property.
3. It removes the requirement that a municipality first adopt an ordinance before it may avail itself of the authority granted under the statute.
4. It removes two types of evidence from being used in making a determination of abandonment: rubbish, trash or debris that has observably accumulated on the mortgaged premises and other reasonable indicia of abandonment.
5. It eliminates municipal authority to fine a responsible party.
6. It requires that a responsible party reimburse the municipality for its costs within 30 days after demand and allows the penalty for nonpayment to be a special tax assessed against the property to be collected in the same manner as other state, county and municipal taxes are collected.
7. It removes the provision in the committee amendment that requires a municipality to investigate a suspected abandoned mobile home upon petition by a landowner in the municipality.
8. It removes the requirement that a notice to correct be attached to the mobile home.

Enacted Law Summary

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Public Law 2015, chapter 244 authorizes municipalities to provide for the care, maintenance and security of abandoned mobile homes, up to and including taking possession and disposing of the abandoned mobile home. It establishes the following criteria, process and notice requirements.

1. Either a court or the municipal officers may make the determination that a mobile home has been abandoned according to certain evidence of abandonment.
2. The municipal officers must provide notice to correct to the responsible party, which is the owner of record of the mobile home, excluding any mortgagee, and must hold a properly noticed hearing prior to making a determination of abandonment.
3. After a determination of abandonment, the municipality may issue to a responsible party a notice of the municipality's intention to take corrective action within 60 days if the property defects have not been remedied by the responsible party.
4. Corrective action by the municipality may include taking possession and disposing of the mobile home and all related personal property.
5. Responsible parties are jointly and severally liable to a municipality for its direct, legal and administrative costs incurred while remedying or attempting to remedy the property defects. The penalty for nonpayment within 30 days after demand may be a special tax assessed against the property to be collected in the same manner as other state, county and municipal taxes are collected.
6. The notice required for the abandonment hearing and for the notice to correct must be either hand-delivered or mailed by certified mail, or, if that delivery is not successful, the notice must be published twice consecutively in a daily or weekly newspaper.
7. A responsible party may appeal a finding of abandonment by the municipal officers to the Superior Court.
8. A foreclosing mortgagee initiating a foreclosure action on a property is required to notify the municipality where the property is situated and designate an in-state representative responsible for responding to municipal inquiries regarding the property.

LD 892 **An Act To Amend Certain Laws Affecting the Judicial Branch**

PUBLIC 158

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN	OTP-AM	H-164

This bill repeals a provision of law requiring the District Court to file a monthly report with the State Auditor regarding fines, surcharges and assessments imposed by the court and a provision of law requiring clerks of judicial courts accounting to the State Auditor for all fees received by them or payable to them to do so under oath. It also removes the \$500 limit on the amount of a fine a person may pay with a credit card. It clarifies that if a driver's license is suspended by order of the court for any conviction for operating under the influence or for any offense for which the court suspends a license or registration, and the defendant does not physically surrender the license in court, the license is still void, notwithstanding that it remains in the defendant's possession. It also permits the State Court Administrator to order the disposal or destruction of unclaimed property confiscated at courthouses by judicial marshals if the property remains unclaimed for more than 30 days.

Committee Amendment "A" (H-164)

This amendment changes the bill by removing the provisions eliminating the requirements that the District Court

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file a monthly report with the State Auditor regarding fines, surcharges and assessments imposed by the court and that clerks of judicial courts account to the State Auditor for all fees received by them or payable to them under oath.

Enacted Law Summary

Public Law 2015, chapter 158 removes the \$500 limit on the amount of a fine a person may pay with a credit card. It clarifies that if a driver's license is suspended by order of the court for any conviction for operating under the influence or for any offense for which the court suspends a license or registration, and if the defendant does not physically surrender the license in court, the license is still void, notwithstanding that it remains in the defendant's possession. It also permits the State Court Administrator to order the disposal or destruction of unclaimed property confiscated at courthouses by judicial marshals if the property remains unclaimed for more than 30 days.

LD 893 Resolve, Directing the Secretary of State, Maine State Library and Law RESOLVE 40
and Legislative Reference Library To Make the Articles of Separation of
Maine from Massachusetts More Prominently Available to Educators
and the Inquiring Public

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAR WILLETTE	OTP-AM ONTP	H-414 H-434 BEAR

This resolution proposes an amendment to the Constitution of Maine to require that the text of Article X, Section 5 of the Constitution be included in any printed copies of the Constitution included with the laws of the State.

Committee Amendment "A" (H-414)

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

House Amendment "A" (H-434)

This amendment replaces the constitutional resolution with a resolve directing the Secretary of State, Maine State Library and Law and Legislative Reference Library, within existing resources, to make the Articles of Separation of Maine from Massachusetts, including the fifth subsection, more prominently available to educators and to the inquiring public.

Enacted Law Summary

Resolve 2015, chapter 40 directs the Secretary of State, Maine State Library and Law and Legislative Reference Library, within existing resources, to make the Articles of Separation of Maine from Massachusetts, including the fifth subsection, more prominently available to educators and to the inquiring public.

LD 920 An Act To Require Mortgage Servicers To Act in Good Faith in Dealings Veto Sustained
with Homeowners

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER	OTP-AM	H-383

This bill requires servicers of residential mortgage loans to act in good faith when dealing with homeowners who are borrowers under those loans. The bill also makes changes in the foreclosure mediation process providing that, if courts have previously sanctioned the conduct of a mortgage servicer in a foreclosure process, the courts are authorized to directly sanction the mortgage servicer if the mortgage servicer's conduct evidences a failure to mediate in good faith. The bill requires the collection of data on sanctions imposed to provide that, when a

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mortgage servicer is found to have failed to act in good faith, the court may take into account previous conduct in determining a sanction sufficient to deter such conduct in the same case or future cases.

Committee Amendment "A" (H-383)

This amendment removes from the bill the private action for damages against a mortgage servicer, and incorporates the definitions of "mortgage servicer" and "good faith" in that provision into the mediation statutes. The amendment deletes the data collection requirement. The amendment, like the bill, requires a mortgage servicer to participate in mediation in good faith.

LD 929 An Act Relative to the Escheat of United States Savings Bonds

PUBLIC 215

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ MAREAN	OTP-AM	S-155

This bill amends the Uniform Unclaimed Property Act to establish a special procedure for the escheat of unclaimed United States savings bonds to the State.

An unclaimed United States savings bond is presumed abandoned three years after its date of final maturity. A United States savings bond is presumed abandoned in this State if the last known address of the owner of the United States savings bond is in this State and the United States savings bond has remained unclaimed for three years after its date of final maturity.

Not sooner than three years after the final maturity date, the Treasurer of State must bring an action in Kennebec County Superior Court or another court of competent jurisdiction for a determination that the United States savings bonds escheat to the State. The treasurer must redeem the savings bonds and, after subtracting the costs of the process, deposit the balance in the Unclaimed Property Fund.

A person claiming a right to a United States savings bond escheated to the State and redeemed by the treasurer must make a claim to the treasurer. The treasurer has discretion as to whether to pay the claim, less the costs of the process.

Committee Amendment "A" (S-155)

This amendment allows the Treasurer of State the option of subtracting any expenses and costs incurred by the State in securing full title and ownership of a United States savings bond escheated to the State from the amount paid by the Treasurer of State for a claim involving that bond instead of requiring the Treasurer of State to subtract those expenses and costs as proposed in the bill.

Enacted Law Summary

Public Law 2015, chapter 215 amends the Uniform Unclaimed Property Act to establish a special procedure for the escheat of unclaimed United States savings bonds to the State.

An unclaimed United States savings bond is presumed abandoned three years after its date of final maturity. A United States savings bond is presumed abandoned in this State if the last known address of the owner of the United States savings bond is in this State and the United States savings bond has remained unclaimed for three years after its date of final maturity.

Not sooner than three years after the final maturity date, the Treasurer of State must bring an action in Kennebec County Superior Court or another court of competent jurisdiction for a determination that the United States savings bonds escheat to the State. The treasurer must redeem the savings bonds and, after subtracting the costs of the

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process, deposit the balance in the Unclaimed Property Fund.

A person claiming a right to a United States savings bond escheated to the State and redeemed by the treasurer must make a claim to the treasurer. The treasurer has discretion as to whether to pay the claim and whether to subtract from the payment the costs of the process.

LD 950 An Act To Prohibit Discrimination against a Person Who Is Not Vaccinated

Accepted Majority (ONTP) Report

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

This bill prohibits discrimination against an individual who refuses a vaccination.

Committee Amendment "A" (H-413)

This amendment is the minority report of the committee and it replaces the bill. It amends the Maine Human Rights Act to prohibit discrimination on the basis of vaccination status in employment, housing, public accommodations, education and credit.

This amendment provides that, although the vaccination status of an individual is not a physical disability, the legal analysis applied to discrimination claims based on the vaccination status of an individual or the vaccination status of an individual's minor child is the same as that applied to physical disability claims.

LD 951 An Act To Restore Judicial Discretion in the Administration of Fines

CARRIED OVER

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

This bill:

1. Lowers the maximum amount of earnings that may be garnished to enforce payment of a judgment arising from a consumer credit transaction;
2. Makes some criminal fines discretionary rather than mandatory;
3. Prohibits revoking probation solely on the basis of failure to pay a fine;
4. Allows the court to reduce a fine in limited circumstances upon a showing of indigence;
5. Prohibits incarceration solely for failure to pay a fine;
6. Eliminates the failure to pay warrant; and
7. Limits suspensions under the Maine Revised Statutes, Title 29-A and contempt proceedings under Title 14 for indigent defendants.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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LD 953 An Act To Implement Changes in the Family Division To Improve the Experience of Pro Se Litigants ONTP

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

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

This bill proposes to make changes to the practice, procedures and administration of the Family Division of the District Court in order to improve the experience and effectiveness of pro se litigants in matters before that court.

LD 955 An Act To Make Changes to Laws Governing Condominiums Regarding the Display of Signs PUBLIC 271

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN KATZ	OTP-AM ONTP	H-382

This bill prohibits a condominium association from including in its bylaws or declaration or deeds a restriction that prohibits a unit owner from displaying on the condominium property a sign that supports or opposes a political candidate or a referendum question for the period from six weeks prior to the election to one week after the election for that candidate or vote for that referendum is held.

Committee Amendment "A" (H-382)

This amendment applies the bill's restriction regarding display of signs that support or oppose a candidate for public office or a referendum question only to a condominium unit owner's private property.

Enacted Law Summary

Public Law 2015, chapter 271 prohibits a condominium association from including in its bylaws or declaration or deeds a restriction that prohibits a unit owner from displaying on the condominium unit owner's private property a sign that supports or opposes a political candidate or a referendum question for the period from six weeks prior to the election to one week after the election for that candidate or vote for that referendum is held.

LD 962 An Act To Require the Attorney General To Investigate the Death of a Person in Police Custody or in a Correctional Facility ONTP

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

This bill requires the Attorney General to investigate as a criminal matter the death of a person who at the time of death was in police custody or was an inmate in a correctional facility.

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LD 993 Resolve, To Allow a Federally Recognized Indian Tribe To Conduct a Pilot Project in Hemp Cultivation ONTP

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

This resolve directs the Commissioner of Agriculture, Conservation and Forestry upon application to issue a license to conduct a pilot project in industrial hemp cultivation to a federally recognized Indian tribe.

LD 994 An Act To Create a Priority Lien Securing 6 Months of Assessments under the Maine Condominium Act ONTP

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

This bill establishes a six month lien for condominium association assessments that takes priority over a first mortgage.

LD 1003 An Act To Prohibit Discrimination by Employers and Protect the Privacy of an Applicant for Employment, an Employee or an Employee's Dependents Regarding Reproductive Health Decisions Died Between Houses

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

This bill protects employees and employment applicants from discrimination based on an employer's beliefs about a particular drug, device or medical service. It also prohibits an employer from obtaining or inquiring about information about an employee's or an employee's dependent's reproductive health decisions, including but not limited to a decision to use a particular drug, device or medical service, without the employee's prior informed affirmative written consent. The bill prohibits employers from taking any adverse employment action against an employee based on the use of any particular drug, device or medical service related to the employee's or the employee's dependent's reproductive health decisions. No existing rights or protections against discrimination of an employee provided through any other provision of law or collective bargaining unit are limited by this chapter.

Committee Amendment "A" (H-381)

This amendment, which is the majority report of the committee, replaces the bill. It amends the Maine Human Rights Act to expand the protection from employment discrimination to cover the use of a particular drug, device or medical service related to the reproductive health decisions of employees, the dependents of employees and applicants for employment. It also prohibits an employer, employment agency or labor organization from obtaining or inquiring about information about reproductive health decisions of an employee, an employee's dependent or an applicant for employment.

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LD 1005 An Act To Amend the Law Regarding Medical Examiners

PUBLIC 285

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

This bill establishes terms of appointment of no more than five years for medical examiners and provides for those terms to be renewed indefinitely, in order to allow the Chief Medical Examiner to review the activity status of the medical examiners and ensure that their qualifications are updated to meet any new guidelines and office policies.

Enacted Law Summary

Public Law 2015, chapter 285 establishes terms of appointment of no more than five years for medical examiners and provides for those terms to be renewed indefinitely, in order to allow the Chief Medical Examiner to review the activity status of the medical examiners and ensure that their qualifications are updated to meet any new guidelines and office policies.

LD 1014 An Act To Ensure Confidentiality of Personally Identifying Information for Professional Investigators, Investigative Assistants and Dependents of Deployed Members of the Military

PUBLIC 295

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

This bill makes confidential any personally identifying information of a dependent of a military member who is deployed out of state and any personally identifying information of a private investigator or investigative assistant, except for the private investigator's or investigative assistant's name and license number.

Committee Amendment "A" (S-261)

This amendment provides that only the home address and home telephone number of a professional investigator or investigative assistant are confidential.

This amendment revises the structure of the language in the bill to clarify when personally identifying information concerning dependents of members of the United States Armed Forces or state military forces who are deployed out of state may be disclosed. It also provides that "dependent" has the same meaning as provided in 10 United States Code, Section 1072.

Enacted Law Summary

Public Law 2015, chapter 295 makes confidential the home address and home telephone number of a professional investigator or investigative assistant as well as any personally identifying information of a dependent of a military member who is deployed out of state.

LD 1017 An Act To Update Maine's Family Law

PUBLIC 296

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN MOONEN	OTP-AM	S-254

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This bill offers an updated, comprehensive statutory framework for determining a child's legal parentage. It is patterned after, and follows in part, the Uniform Parentage Act, a uniform law initially developed in 1973 and most recently updated in 2002 by the Uniform Law Commission.

A more detailed summary of the bill is provided in Appendix B to the Family Law Advisory Commission Report to Maine Legislature Joint Standing Committee on Judiciary, pursuant to Resolve 2014, chapter 83 on Proposed "Maine Parentage Act" dated December 15, 2014.

Committee Amendment "A" (S-254)

This amendment makes changes in the Maine Revised Statutes, Titles 4, 18-A, 19-A and 22 to conform to the Maine Parentage Act enacted in the bill. This amendment designates the content of the bill as Part A and adds Part B, Part C and Part D.

Part B consists of amendments to Title 19-A, chapter 53, subchapter 1, currently named the "Uniform Act on Paternity." The bill enacts Title 19-A, chapter 61, which replaces certain provisions in chapter 53, subchapter 1, and Part B repeals the provisions and sections that are no longer necessary. Part B amends certain provisions in chapter 53, subchapter 1, and the subchapter will still be used to establish paternity as required by federal law as necessary to determine responsibility for child support. The headnote for subchapter 1 is changed to "Paternity."

Part C makes changes to Title 4, Title 14, Title 18-A, Title 19-A and Title 22 to update cross-references and terminology to be consistent with Title 19-A, chapter 61.

This amendment retains section 2 of the bill as Part D, which establishes the effective date of this legislation as July 1, 2016.

Enacted Law Summary

Public Law 2015, chapter 296 is an updated, comprehensive statutory framework for determining a child's legal parentage. It is patterned after, and follows in part, the Uniform Parentage Act, a uniform law initially developed in 1973 and most recently updated in 2002 by the Uniform Law Commission. Even though the bill adopts portions of the Uniform Parentage Act, it is sufficiently different from the Uniform Parentage Act overall that the chapter of statute the bill enacts merits its own, distinct title, "the Maine Parentage Act."

The Maine Parentage Act is organized into eight subchapters. Subchapter 1 provides definitions of key terms. It authorizes actions to adjudicate legal parentage and establishes the parameters for such actions. Subchapter 2 is the hub of the chapter. It organizes and lists in one place the grounds upon which legal parentage may be based. They are: birth, adoption, voluntary acknowledgment of paternity, un rebutted presumption of parentage, de facto parentage, genetic parentage, consent to assisted reproduction and consent through a valid gestational carrier agreement. The six subchapters that follow address individual grounds for parentage.

Chapter 296 confirms a number of grounds for parentage under current law and in several instances clarifies and updates the law with respect to these grounds. For example, it updates the standards applicable to genetic testing to reflect current science and practice; provides more detailed procedures for use of the voluntary acknowledgment of paternity process in suitable cases; and codifies a traditional presumption of parentage in the legal spouse of the mother, which is only found now in a rule of evidence. Chapter 296 also codifies the de facto parent doctrine, now firmly established by case law, to require an explicit determination of standing as a prerequisite for maintaining an action, recognize the elevated burden of proof that a person claiming such status must satisfy and clarify the elements of proof so as to address some practical problems encountered by practitioners and courts under the case law.

Chapter 296 recognizes and clarifies the legal parentage of children born to parents who use medical assisted reproduction as well as children born by means of assisted reproduction in conjunction with a gestational carrier. Clear statutory guidelines and requirements serve to regulate usage, protect the rights of parties and reduce reliance

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on judicial actions in this area.

Finally, consistent with the Uniform Parentage Act and legislation in a number of other states, Chapter 296 recognizes the presumption of parentage in an unmarried partner of the mother who lives with the mother at the time of birth and holds out the child as that person's own for two years from birth.

The effective date is July 1, 2016.

LD 1026 An Act To Make Confidential the E-mail Addresses of Applicants for Department of Marine Resources Licenses **Accepted Majority (ONTP) Report**

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

This bill provides, with certain exceptions, that e-mail addresses provided on license applications to the Department of Marine Resources are confidential.

LD 1031 An Act To Improve the Unclaimed and Abandoned Property Laws **ONTP**

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

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

This bill proposes to improve the Uniform Unclaimed Property Act and other abandoned property laws.

LD 1065 An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and Incapacitated Persons **CARRIED OVER**

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

This bill amends current law allowing a parent or guardian to execute a temporary power of attorney for up to 12 months, delegating the powers regarding the care and custody of a child or incapacitated person, by doing the following:

1. Limiting the power of attorney to exclude the parent or guardian's powers regarding the performance of an abortion for the minor or the incapacitated person or the termination of parental rights to the minor;
2. Clarifying that executing this temporary power of attorney does not deprive the parent or guardian of any parental or legal authority regarding the care and custody of the minor or incapacitated person;
3. Clarifying that a parent or guardian's granting of this temporary power of attorney does not constitute abandonment, abuse or neglect, if the parent or guardian either executes a new power of attorney or takes custody of the child or incapacitated person as soon as reasonably possible after the termination of the temporary power of attorney;

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- 4. Providing that the agent with the power of attorney may not receive compensation; and
- 5. Clarifying that this power of attorney does not implicate the laws regarding foster care.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1085 An Act To Implement the Recommendations of the Right To Know
Advisory Committee Concerning Receipt of a Request for Public
Records**

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-473

This bill amends the Freedom of Access Act to clarify that the date of receipt of a request to copy or inspect a public record is the date a sufficient description of the public record is received by the agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is not maintained by that office must forward the request to the appropriate office without willful delay.

Committee Amendment "A" (H-473)

This amendment requires the agency or official that forwards a public record request to the office that has custody of the records that are the subject of the request to notify the requester that the request has been forwarded to the appropriate office and that the five-day period within which the receipt of the request must be acknowledged begins to run when that receiving office receives the request.

This amendment clarifies that the responsibility to forward a request for public records to the office that maintains the records is limited to circumstances in which the request is made to an agency that consists of more than one office in different locations, and the request is made to an office that does not maintain the records. The bill requires that the request be forwarded to the office that does maintain the records. It does not require a municipality to forward the request to another municipality.

This amendment also amends the laws governing public access officers by specifically requiring that a request for public records be acknowledged within five working days of the receipt of the request by the office responsible for maintaining the public record requested. This is consistent with the acknowledgment deadline.

Enacted Law Summary

Public Law 2015, chapter 317 amends the Freedom of Access Act to clarify that the date of receipt of a request to copy or inspect a public record is the date a sufficient description of the public record is received by the agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is not maintained by that office must forward the request to the appropriate office without willful delay. The agency or official that forwards a public record request to the office that has custody of the records that are the subject of the request must notify the requester that the request has been forwarded to the appropriate office and that the five-day period within which the receipt of the request must be acknowledged begins to run when that receiving office receives the request.

Chapter 317 clarifies that the responsibility to forward a request for public records to the office that maintains the records is limited to circumstances in which the request is made to an agency that consists of more than one office in different locations, and the request is made to an office that does not maintain the records; it does not require a municipality to forward the request to another municipality.

Chapter 317 also amends the laws governing public access officers by specifically requiring that a request for public

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records be acknowledged within five working days of the receipt of the request by the office responsible for maintaining the public record requested. This is consistent with the acknowledgment deadline.

**LD 1086 An Act To Implement the Recommendations of the Right To Know
Advisory Committee To Create a Remedy for Unduly Burdensome and
Oppressive Requests**

PUBLIC 248

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-357

This bill amends the Freedom of Access Act to authorize a body, agency or official to deny a request for inspection or copying of public records, in whole or in part, on the basis that the request is unduly burdensome or oppressive. The bill requires that the body, agency or official seek protection from an unduly burdensome or oppressive request by filing an action in Superior Court within 30 days of receipt of the request. This bill adopts a good cause standard to be used by the court in determining whether the request may be limited or denied as unduly burdensome or oppressive.

Committee Amendment "A" (H-357)

This amendment adds a requirement that a public body, agency or official seeking a protection order from unduly burdensome and oppressive public records requests under the provision in the bill must provide to the court proof that the body, agency or official provided notice of the intent to file the action at least 10 days before the complaint is filed with the court.

Enacted Law Summary

Public Law 2015, chapter 248 amends the Freedom of Access Act to authorize a body, agency or official to deny a request for inspection or copying of public records, in whole or in part, on the basis that the request is unduly burdensome or oppressive. It requires that the body, agency or official seek protection from an unduly burdensome or oppressive request by filing an action in Superior Court within 30 days of receipt of the request. A public body, agency or official seeking a protection order from unduly burdensome and oppressive public records requests under the provision in the bill must provide to the court proof that the body, agency or official provided notice of the intent to file the action at least 10 days before the complaint is filed with the court. Chapter 248 adopts a good cause standard to be used by the court in determining whether the request may be limited or denied as unduly burdensome or oppressive.

**LD 1087 An Act To Implement the Recommendations of the Right To Know
Advisory Committee Concerning Response Deadlines and Appeals**

PUBLIC 249

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-360

This bill amends the Freedom of Access Act to make clear that an agency's or official's written notice of denial in response to a request to copy or inspect records may be a statement that the agency or official expects to deny the request in full or in part, but that decision can be made only after reviewing the records subject to the request. The agency or official is required to provide the written response within five days of the receipt of the request.

The bill clarifies the procedures for an appeal from a denial of a request to inspect or copy public records.

The bill also amends the laws governing public access officers by specifically requiring that a request for public records be acknowledged within five working days of the receipt of the request. This is consistent with the current

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acknowledgement deadline in the Maine Revised Statutes, Title 1, section 408-A, subsection 3.

Committee Amendment "A" (H-360)

This amendment clarifies the wording of the starting point of the five-day period within which a written notice of denial of a public records request must be provided.

This amendment deletes the language referring to a trial de novo, which was inadvertently retained in the bill.

This amendment strikes out the section of the bill that requires public access officers to acknowledge requests for public records within five working days because that proposal is included in the committee amendment to LD 1085.

Enacted Law Summary

Public Law 2015, chapter 249 amends the Freedom of Access Act to make clear that an agency's or official's written notice of denial in response to a request to copy or inspect records may be a statement that the agency or official expects to deny the request in full or in part, but that decision can be made only after reviewing the records subject to the request. The agency or official is required to provide the written response within five days of the receipt of the request.

Chapter 249 clarifies the procedures for an appeal from a denial of a request to inspect or copy public records. Current law allows the appeal to be filed in any Superior Court; this bill requires the appeal to be filed in the Superior Court for the county in which either the requestor lives or in which the agency has its principal office. Instead of filing an answer to the complaint, the agency or official may file a more informal statement of position explaining the basis for denial within 14 days of the service of the appeal. Chapter 249 eliminates the need for a de novo trial and instead requires the Superior Court to conduct a review de novo, taking whatever testimony or other evidence the court determines necessary. The basis for the decision, whether the agency's or official's refusal, denial or failure was not for just and proper cause, is not changed from current law.

LD 1088 An Act To Implement Recommendations of the Right To Know Advisory Committee PUBLIC 250

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-359

This bill contains recommendations of the Right To Know Advisory Committee included in its ninth annual report.

Part A adds one additional member to the Right To Know Advisory Committee, to be appointed by the Governor. The new position will bring information technology expertise to the advisory committee.

Part B changes the Public Access Ombudsman's reporting date to January 15th of each year, which is the same date by which the Right To Know Advisory Committee is required to submit its annual report.

Part C implements the recommendations of the Right To Know Advisory Committee relating to existing public records exceptions in the Maine Revised Statutes, Title 22 and Titles 26 to 39-A.

Part D repeals the public records exceptions review schedule that was completed in 2014 and replaces it with a new review schedule.

Committee Amendment "A" (H-359)

This amendment removes the section of the bill that removes language authorizing the Secretary of State to adopt rules regarding the maintenance and use of data processing information files required to be kept confidential.

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Enacted Law Summary

Public Law 2015, chapter 250 contains recommendations of the Right To Know Advisory Committee included in its ninth annual report.

Part A adds one additional member to the Right To Know Advisory Committee, to be appointed by the Governor. The new position will bring information technology expertise to the advisory committee.

Current law requires the Public Access Ombudsman within the Department of the Attorney General to submit an annual report to the Right To Know Advisory Committee and the Legislature by March 15th of each year. Part B changes the reporting date to January 15th of each year, which is the same date by which the Right To Know Advisory Committee is required to submit its annual report.

Part C implements the recommendations of the Right To Know Advisory Committee relating to existing public records exceptions in the Maine Revised Statutes, Title 22 and Titles 26 to 39-A.

Section 1 repeals the Community Right-to-Know Act, a program within the Department of Health and Human Services intended to provide disclosure of information about hazardous substances in the community that has never been implemented.

Section 2 makes clear that reports of final Department of Labor, Bureau of Labor Standards action are public records, removing the language in current law that gives the director the discretion to release reports.

Section 3 clarifies that a report of the State Board of Arbitration and Conciliation in a labor dispute must be released 15 days after its receipt by the Governor and Executive Director of the Maine Labor Relations Board if the conciliation process is not successful.

Section 4 repeals a provision of law relating to the Secretary of State's motor vehicle information technology system because the confidentiality of the system is already addressed in another provision of law.

Section 5 repeals language about nongovernment vehicle records that is addressed in another section of law.

Section 6 clarifies that it is the responsibility of the providers of telecommunications relay services to keep relay service communications confidential.

Section 7 adds a cross-reference to the definition of "trade secret."

Section 8 repeals language making mercury reduction plans for air emission sources emitting mercury confidential.

Section 9 repeals a provision of law making hazardous air pollutant emissions inventory information confidential, and section 10 corrects a cross-reference to that provision.

Part D repeals the public records exceptions review schedule that was completed in 2014 and replaces it with a new review schedule. The Right To Know Advisory Committee will review public records exceptions enacted after 2004 but before 2013 and report its recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters over the course of two years, with the final review by the joint standing committee completed no later than 2017. The advisory committee will then begin to review all the public records exceptions codified in the statutes over a 12-year period.

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LD 1094 An Act To Improve Tribal-state Relations

ONTP

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

This bill amends An Act to Implement the Maine Indian Claims Settlement by repealing language that provides that the Passamaquoddy Tribe and the Penobscot Nation, within their respective Indian territories, are subject to all the duties, obligations, liabilities and limitations of a municipality.

LD 1117 An Act To Clarify the Policy for Withdrawal of Life Support from Minors

PUBLIC 187

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

This bill authorizes a physician to withhold or withdraw life sustaining treatment for a minor or institute a do-not-resuscitate order for a minor only if the authorized legal surrogate for the minor gives direction in writing. This bill specifies that an "authorized legal surrogate" does not include a legal guardian or state agency or representative for a minor when the minor's parents' full parental rights have not been terminated.

Committee Amendment "A" (S-232)

This amendment replaces the bill. It limits the application of the new provisions relating to withholding or withdrawing life-sustaining medical treatment to situations in which a child is in the custody of the Department of Health and Human Services. This amendment provides that a custodian of a child does not have the authority to withhold or withdraw life-sustaining medical treatment from a minor except in two situations. The custodian has the authority when the parental rights to the child have been terminated and it is in the child's best interests. The custodian also has the authority when the parental rights have not been terminated but the parents consent to that authority or, if the parents do not consent, the court determines that the nonconsenting parents are unfit by using the existing criteria in the statutes to determine the termination of parental rights and by determining that withholding or withdrawing life-sustaining medical treatment is in the best interests of the child. This amendment includes a description of when withholding or withdrawing life-sustaining medical treatment is in the best interests of the child.

Enacted Law Summary

Public Law 2015, chapter 187 provides that a custodian of a child in the custody of the Department of Health and Human Services does not have the authority to withhold or withdraw life-sustaining medical treatment from the child except in two situations. The custodian has the authority when the parental rights to the child have been terminated and it is in the child's best interests. The custodian also has the authority when the parental rights have not been terminated but the parents consent to that authority or, if the parents do not consent, the court determines that the nonconsenting parents are unfit by using the existing criteria in the statutes to determine the termination of parental rights and by determining that withholding or withdrawing life-sustaining medical treatment is in the best interests of the child. Chapter 187 includes a description of when withholding or withdrawing life-sustaining medical treatment is in the best interests of the child.

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LD 1121 An Act To Fund the Cold Case Homicide Unit in the Department of the Attorney General **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO HOBBINS	OTP-AM	S-92

This bill follows up on legislation last year that created a cold case homicide unit without providing any funding. It repeals the requirement that the Commissioner of Public Safety and the Attorney General pursue federal funding to establish a cold case homicide unit. The bill also repeals the provision of law that makes establishment of a cold case homicide unit contingent upon availability of federal funding, and instead provides funding for the fiscal year 2016-17.

The provisions of the bill repealing the requirement of federal funding and repealing the effective date contingent on federal funding are incorporated into the Biennial Budget; see Public Law 2015, chapter 267, Part D. Chapter 267 and the Highway Budget, Public Law 2015, chapter 268 provide funding.

Committee Amendment "A" (S-92)

This amendment replaces the appropriations and allocations section included in the bill with a corrected appropriations and allocations section. It also adds a fiscal note.

LD 1130 An Act To Clarify the Use of Lawyer's Trust Account Funds When the Owner Is Not Known or Cannot Be Located **Accepted Majority (ONTP) Report**

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

This bill amends the Uniform Unclaimed Property Act by directing the Treasurer of State to deliver unclaimed lawyer's trust account funds to the lawyer's trust account program manager designated by the Maine Supreme Judicial Court. The bill requires the lawyer's trust account program manager to return funds to the Treasurer of State if an owner of funds is identified.

Committee Amendment "A" (S-180)

This amendment, which is the minority report of the committee, replaces the bill with a provision that requires that funds presumed abandoned under the Uniform Unclaimed Property Act in a lawyer's pooled trust account for which no identifying client information can be found must be transferred to the lawyer's pooled trust accounts manager to be used to provide funding to organizations whose primary purpose is to provide civil legal aid to low-income Maine residents. The bill requires the lawyer's trust account program manager to return funds to the Treasurer of State if an owner of funds is identified.

LD 1136 An Act To Amend the Maine Business Corporation Act **PUBLIC 259**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-233

Joint Standing Committee on Judiciary

This is a periodic update of the Maine Business Corporations Act to reflect recently adopted changes to the Model Business Corporations Act.

Committee Amendment "A" (S-233)

This amendment makes no substantive change to the bill but adjusts language in the section of the bill relating to grounds for judicial dissolution of a corporation to fit that language into the structure of the current law.

Enacted Law Summary

Public Law 2015, chapter 259 is a periodic update of the Maine Business Corporations Act to reflect recently adopted changes to the Model Business Corporations Act. It makes the following changes.

1. It extends the existing ability of a corporation to reduce or eliminate certain fiduciary duties owed by directors to Maine corporations and their shareholders by means of provisions in the corporation's articles of incorporation to situations involving business opportunities that could be of interest to the corporation.
2. It makes minor clarifying changes to existing provisions relating to the signatures on share certificates, the right of shareholders to call special shareholders' meetings and the permitted duration of voting trusts, prospectively eliminating a restriction limiting such trusts to 21 years.
3. It clarifies existing provisions relating to the duration of proxies to vote shares in Maine corporations and the effectiveness of irrevocable proxies.
4. It clarifies and expands upon existing provisions relating to inspectors of elections, including provisions regarding the appointment, roles, duties and procedures of inspectors and judicial review of their actions and decisions.
5. It contains detailed provisions relating to judicial review of disputes concerning elections and appointments of directors and officers of Maine corporations, including the matters as to which the judiciary may issue rulings, the persons who may commence such proceedings, the persons who must be named as defendants in such proceedings, service of process and the scope and types of remedies that may be granted in such actions.
6. It clarifies when and in what manner qualifications for service as a director of a Maine corporation, or to be nominated as such, may become applicable relative to the time of nomination or time of election or during such person's tenure as a director.
7. It provides that Maine's existing statutory provision allowing judicially mandated dissolution of a Maine corporation in cases involving "oppression" of one or more shareholders is applicable to corporations whose securities are publicly traded.

LD 1145 An Act To Improve Maine's Involuntary Commitment Processes

**PUBLIC 309
EMERGENCY**

Sponsor(s)

MALABY

Committee Report

OTP-AM

Amendments Adopted

H-464

H-471 MALABY

This bill is based on certain recommendations in the report "Recommendations for Improving the Involuntary Commitment Process," by the Judicial Branch Mental Health Working Group dated December 15, 2014. It amends the laws governing involuntary hospitalization by:

1. Authorizing a health care practitioner to administer involuntary treatment to a person being involuntarily held or

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detained if the person's condition poses a serious, imminent risk to the person's physical or mental health and other conditions are met;

2. Specifying that family members may be the source of history and information that forms the basis of an opinion of a medical practitioner regarding a person for whom an emergency application for admittance to a psychiatric hospital has been filed;
3. Creating exceptions to the 24-hour hospital emergency hold period to authorize a hospital to involuntarily detain a mentally ill person meeting certain criteria for emergency psychiatric hospitalization for two additional 48-hour periods;
4. Limiting the State's costs related to transporting certain patients to reasonable costs;
5. Allowing for the discharge of an involuntary petition if the patient subsequently agrees to voluntary commitment;
6. Clarifying that orders of involuntary commitment and treatment also transfer with a patient that is transferred from one hospital to another; and
7. Permitting medical examinations and consultations required or permitted under involuntary hospitalization laws to be conducted using telemedicine technologies.

Committee Amendment "A" (H-464)

This amendment clarifies the terminology used to describe the emergency treatment to be involuntarily provided to reflect that the treatment must be a currently recognized standard of treatment.

This amendment clarifies that the sources of available history and other information may include family members without implying family members are always a reliable source.

This amendment requires that when a physician or clinical psychologist has evaluated a person for the purpose of providing a second opinion on whether the person meets the criteria for emergency admission to a psychiatric hospital and determines that the person does not meet the criteria, the physician or clinical psychologist must record the discharge upon the written application for emergency admission. The application must contain a statement that the person does not satisfy the criteria for emergency admission.

This amendment clarifies the standard for a person's consent to informal voluntary admission once the involuntary commitment process has started.

House Amendment "A" (H-471)

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

Enacted Law Summary

Public Law 2015, chapter 309 is based on certain recommendations in the report "Recommendations for Improving the Involuntary Commitment Process," by the Judicial Branch Mental Health Working Group dated December 15, 2014. It amends the laws governing involuntary hospitalization by:

1. Authorizing a health care practitioner to administer involuntary treatment to a person being involuntarily held or detained if the person's condition poses a serious, imminent risk to the person's physical or mental health and other conditions are met;
2. Specifying that family members may be the source of history and information that forms the basis of an opinion of a medical practitioner regarding a person for whom an emergency application for admittance to a psychiatric hospital has been filed;

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3. Creating exceptions to the 24-hour hospital emergency hold period to authorize a hospital to involuntarily detain a mentally ill person meeting certain criteria for emergency psychiatric hospitalization for two additional 48-hour periods;
4. Limiting the State's costs related to transporting certain patients to reasonable costs;
5. Allowing for the discharge of an involuntary petition if the patient subsequently agrees to voluntary commitment;
6. Clarifying that orders of involuntary commitment and treatment also transfer with a patient that is transferred from one hospital to another;
7. Permitting medical examinations and consultations required or permitted under involuntary hospitalization laws to be conducted using telemedicine technologies; and
8. Providing that when a physician or clinical psychologist has evaluated a person for the purpose of providing a second opinion on whether the person meets the criteria for emergency admission to a psychiatric hospital and determines that the person does not meet the criteria, the physician or clinical psychologist must record the discharge upon the written application for emergency admission. The application must contain a statement that the person does not satisfy the criteria for emergency admission.

Public Law 2015, chapter 309 was enacted as an emergency measure effective July 2, 2015.

LD 1147 An Act To Clarify the Mortgage Foreclosure Sale Process

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER GRATWICK	OTP-AM	H-258

This bill clarifies certain aspects of the post-foreclosure sale process.

The bill imposes upon the mortgage holder who starts the foreclosure the burden of being treated as the owner of the property, and thus the party with the burden of maintaining it. With this responsibility, foreclosing parties may be more likely to complete the foreclosure process and proceed to foreclosure sales.

The bill imposes a deadline of 45 days after the completion of the foreclosure sale for the filing of the report of sale, so that, in those instances where a deficiency judgment is being sought, the homeowner will be put on notice of that fact shortly after the sale process is completed.

Committee Amendment "A" (H-258)

This amendment deletes section 1 from the bill.

The amendment amends section 2 of the bill to require that the report of the sale of the foreclosed property must be filed with the court within 180 days of the conveyance of the title of the property after the public sale instead of 45 days from the date of the sale, as the bill requires.

Joint Standing Committee on Judiciary

LD 1163 An Act To Amend the Garnishment Laws of the State

CARRIED OVER

Sponsor(s)
STETKIS

Committee Report

Amendments Adopted

This bill establishes a process for the garnishment of state income tax refunds for the satisfaction of money judgments.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1168 An Act To Prohibit the Use of Eminent Domain in Certain
Public-private Partnerships and To Prohibit the Use of Eminent Domain
by a Private Business Entity in a Public-private Partnership**

PUBLIC 263

Sponsor(s)
DAVIS
CRAFTS

Committee Report
OTP-AM

Amendments Adopted
S-249

This bill prohibits the use of the power of eminent domain for the development, operation, management, ownership, leasing or maintenance of a transportation facility as a public-private partnership project. It also prohibits the use of the power of eminent domain by a private business entity when the entity is involved in a public-private partnership.

Committee Amendment "A" (S-249)

This amendment replaces the bill. It amends the law governing public-private partnerships for transportation projects to clarify that all projects must comply with the Sensible Transportation Policy Act, to explicitly state that the Department of Transportation may not confer its power of eminent domain on a private entity and to require the Department of Transportation to report by February 1st of every year on the status of any projects and any substantive changes.

Enacted Law Summary

Public Law 2015, chapter 263 amends the law governing public-private partnerships for transportation projects to clarify that all projects must comply with the Sensible Transportation Policy Act, to explicitly state that the Department of Transportation may not confer its power of eminent domain on a private entity and to require the Department of Transportation to report by February 1st of every year on the status of any projects and any substantive changes.

**LD 1171 An Act To Protect Certain Information under the Maine Human Rights
Act**

**Died Between
Houses**

Sponsor(s)
WARREN
KATZ

Committee Report
OTP-AM
ONTP

Amendments Adopted

This bill protects from public disclosure information in the records of the Maine Human Rights Commission that identifies minors. It also designates as confidential medical records, medical diagnoses, medical information and information regarding an individual's disability contained in the commission's records. The bill specifies that medical records, medical diagnoses, medical information and information regarding an individual's disability may

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not be disclosed without the written authorization of the individual who is the subject of the medical records or medical diagnoses and provides specific exceptions designed to authorize disclosure necessary to further investigation of and deliberation on complaints.

Committee Amendment "A" (H-476)

This amendment is the majority report of the committee. It replaces section 2 of the bill but, like the bill, it revises the confidentiality provisions of the Maine Human Rights Act.

This amendment protects from public disclosure information in the records of the Maine Human Rights Commission that identifies a minor, a person's medical condition or disability, the identity of a person not a party to a complaint at the commission, personnel records, social security numbers, residential addresses and personal phone numbers, banking and financial information, criminal history information not otherwise made public by law and the identity of a person who has established a compelling and immediate need to proceed with or participate in a commission investigation with anonymity.

LD 1177 An Act To Enact the Recommendations of the Probate and Trust Law CARRIED OVER
Advisory Commission Regarding the Maine Uniform Fiduciary Access
to Digital Assets Act

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill enacts the Uniform Fiduciary Access to Digital Assets Act as the Maine Uniform Fiduciary Access to Digital Assets Act as a new Article 10 in the Maine Revised Statutes, Title 18-A. The Probate and Trust Law Advisory Commission recommended enactment in the report submitted to the Joint Standing Committee on Judiciary pursuant to Resolve 2013, chapter 27 as amended by Resolve 2013, chapter 81. The Uniform Fiduciary Access to Digital Assets Act ensures account holders retain control of their digital property and can plan for its ultimate disposition after their death. Unless the account holder instructs otherwise, legally appointed fiduciaries will have the same access to digital assets as they have always had to tangible assets and the same duty to comply with the account holder's instructions.

This bill modifies the Uniform Fiduciary Access to Digital Assets Act to be consistent with existing Maine law with regard to conservators. Part B amends Maine's Uniform Power of Attorney Act to specifically allow a power of attorney to grant authority to enable the agent to access the content of an electronic communication to be consistent with the grant of express authority required by Section 6 of the Uniform Fiduciary Access to Digital Assets Act, included in this bill as Title 18-A, section 10-106.

Part C provides that this bill takes effect January 1, 2016.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1181 An Act To Limit Liability for Certain Successor Corporations under CARRIED OVER
Specific Circumstances

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

This bill limits the liability of successor corporations that, before the dangers of asbestos were known publicly in 1972, acquired or merged with a predecessor corporation that engaged in asbestos-related activities. Liability is

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capped at the value of the predecessor corporation at the time of merger adjusted for inflation, but only for successor corporations that did not continue in the business of mining, selling, distributing, manufacturing, removing or installing asbestos-containing products.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1186 An Act To Promote Professional Training and Security in Maine Courts

**PUBLIC 238
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY KATZ	OTP-AM	H-358

This bill authorizes the State Court Administrator to establish fees on lawyers, guardians ad litem, interpreters, mediators and other professionals who routinely participate in court proceedings to cover the costs of training, orientation, continuing education, background investigations, entry screening and security provided to these professionals. The State Court Administrator also may establish fees on third parties to cover the costs of the use of court facilities for purposes not related to court functions by those third parties. All fees collected must be deposited in a nonlapsing Other Special Revenue Funds account to be used for these purposes only. This account may receive money from grants, gifts, bequests and donations.

Committee Amendment "A" (H-358)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 238 authorizes the State Court Administrator to establish fees on lawyers, guardians ad litem, interpreters, mediators and other professionals who routinely participate in court proceedings to cover the costs of training, orientation, continuing education, background investigations, entry screening and security provided to these professionals. The State Court Administrator also may establish fees on third parties to cover the costs of the use of court facilities for purposes not related to court functions by those third parties. All fees collected must be deposited in a nonlapsing Other Special Revenue Funds account to be used for these purposes only. This account may receive money from grants, gifts, bequests and donations.

Public Law 2015, chapter 238 was enacted as an emergency measure effective June 23, 2015.

LD 1203 An Act To Address the Detrimental Effects of Abandoned Property

PUBLIC 276

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY LAJOIE	OTP-AM	S-260

This bill authorizes municipalities, through the adoption of an appropriate ordinance, to provide for the care, maintenance and security of abandoned properties.

Committee Amendment "A" (S-260)

This amendment authorizes municipalities to provide for the care, maintenance and security of abandoned properties without adoption of an ordinance as proposed in the bill. The amendment retains the provisions of the bill regarding how abandonment is determined and allowing municipalities to recover their cost of maintaining abandoned properties through the application of a supplemental tax on the property. The amendment gives

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responsible parties 30 days from the date a permit is issued to correct identified property defects before the municipality will take corrective action if a permit is necessary. The definition of "responsible parties" is limited to record owners, and the daily fine against mortgagees and mortgagors for nonmaintenance as proposed in the bill is removed. The amendment also requires lenders to notify municipalities of the initiation of a foreclosure proceeding and to provide an in-state representative to respond to municipal inquiries.

Enacted Law Summary

Public Law 2015, chapter 276 authorizes municipalities to provide for the care, maintenance and security of abandoned properties without adoption of an ordinance. It establishes procedures for how abandonment is determined and allows municipalities to recover their cost of maintaining abandoned properties through the application of a supplemental tax on the property. Chapter 276 gives responsible parties 30 days from the date a permit is issued to correct identified property defects before the municipality will take corrective action if a permit is necessary. The definition of "responsible parties" is limited to record owners. Lenders are required to notify municipalities of the initiation of a foreclosure proceeding and to provide an in-state representative to respond to municipal inquiries.

LD 1214 An Act To Implement the Recommendations of the Mental Health Working Group

CARRIED OVER

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

This bill contains the recommendations of the Mental Health Working Group pursuant to Resolve 2013, chapter 106.

Part A is almost identical to LD 1145 and amends Maine's involuntary hospitalization statutes by:

1. Creating exceptions to the 24-hour hospital emergency hold period to authorize a hospital to detain on an involuntary basis a mentally ill person meeting criteria for emergency psychiatric hospitalization for up to two additional 48-hour periods;
2. Codifying Maine's common law emergency exception to informed consent to authorize a medical practitioner to administer involuntary treatment to a patient being involuntarily held or detained if the patient's condition poses a serious, imminent risk of harm to the patient or others and other conditions are met;
3. Limiting to reasonable costs the State's costs related to transporting certain patients;
4. Allowing for the release or discharge of an involuntary patient if the patient subsequently agrees to voluntary commitment;
5. Clarifying that orders of involuntary commitment and involuntary treatment transfer with a patient who is transferred to a different hospital; and
6. Permitting medical examinations and consultations required or permitted under the State's involuntary hospitalization statutes to be conducted using telemedicine technologies.

Part B expands the duties of the State Forensic Service within the Department of Health and Human Services to include performing the duties of an independent examiner at the direction of the District Court in response to applications for involuntary commitment and involuntary treatment.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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LD 1216 An Act To Improve the Authority of Guardians of Persons with Intellectual Disabilities or Autism

Died Between Houses

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

This bill addresses several ambiguities with regard to the powers of guardians of persons with intellectual disabilities or autism

Currently, the Probate Code provides no clear restrictions on how far the court may expand the guardian's powers. This bill resolves the ambiguity by clearly allowing probate courts to continue to use the broad powers granted by the guardianship statute. It also provides a second avenue through which a right may be waived or restricted. This is consistent with the historical role of the Probate Court in administering guardianships.

This bill also clarifies the rights of persons with intellectual disabilities or autism, as well as provides that, although the Department of Health and Human Services has authority to oversee certain types of behavioral interventions and related actions, that authority may not be used to limit the authority of guardians.

This bill was not referred to a committee.

LD 1224 An Act To Amend the Child Protective Services Laws

CARRIED OVER

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

This bill amends the Child and Family Services and Child Protection Act in the following ways.

1. It makes clear that the prohibitions on the use of Department of Health and Human Services records and information do not apply to a child or parent, legal guardian or custodian of a child who is the subject of the records or information.
2. It allows upon request a child or parent, legal guardian or custodian of a child to receive Department of Health and Human Services records and information concerning the child unless the department can prove by clear and convincing evidence that the records or information should not be released.
3. It removes the criminal penalty for a person who disseminates information that may be in Department of Health and Human Services records if the person obtained that information from an independent source.
4. It clarifies that unsubstantiated records or information that are expunged or should have been expunged may not be used for any purpose including as evidence in any administrative or judicial proceeding.
5. It modifies the notice, conduct and appeal rights concerning proceedings involving preliminary protection orders.
6. It clarifies that the petitioner must present and the court must find that reasonable efforts to prevent the removal of a child have been made prior to the issuance of a preliminary protection order.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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LD 1238 An Act To Allow the Release of Child Protective Records to Certain Providers of Child and Adult Services

PUBLIC 194

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY SANDERSON	OTP-AM	S-231

This bill amends the Child and Family Services and Child Protection Act to make it clear that, in addition to searching and providing information in its records to professional and occupational licensing boards, the Department of Health and Human Services also may provide information for a person or employer to conduct background or employment-related screening for persons to engage in child-related activities or employment or activities or employment relating to disabled adults. This change is based on the federal Child Abuse Prevention and Treatment Act.

Committee Amendment "A" (S-231)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 194 amends the Child and Family Services and Child Protection Act to make it clear that, in addition to searching and providing information in its records to professional and occupational licensing boards, the Department of Health and Human Services also may provide information for a person or employer to conduct background or employment-related screening for persons to engage in child-related activities or employment or activities or employment relating to disabled adults. This change is based on the federal Child Abuse Prevention and Treatment Act.

LD 1241 An Act To Increase Government Efficiency

CARRIED OVER

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

This bill authorizes the Maine Governmental Facilities Authority, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority and the Maine Municipal Bond Bank to conduct public proceedings with one or more members of the board or commission participating via remote access technology in certain circumstances.

Committee Amendment "A" (S-276)

This amendment, which is the majority report of the committee, amends the bill to bar remote participation in executive sessions of the board and authorities subject to the bill and lists specific and limited situations when a member may participate remotely in the public proceedings.

This bill was reported out of committee, then committed back to the Joint Standing Committee on Judiciary and carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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LD 1259 An Act To Increase Consumer Protections

PUBLIC 180

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN	OTP-AM	H-166

This bill amends the Uniform Commercial Code. Under the bill, a filing office may refuse to file a record on the basis that the record is fraudulent or appears to be fraudulent and that the record pertains to a matter outside of the scope of the Uniform Commercial Code. This bill also clarifies that a filing office's refusal to file a record is a final agency action subject to judicial review under the Maine Administrative Procedure Act.

Committee Amendment "A" (H-166)

This amendment gives the Secretary of State the authority to refuse to file or record a record that is not required or authorized to be filed or recorded with the Secretary of State. The Secretary of State may also refuse to file or record a record if the Secretary of State has reasonable cause to believe the record is materially false or fraudulent.

The amendment gives the Secretary of State the authority to remove a record that was filed or recorded erroneously because the record was not required or authorized to be filed or recorded with the Secretary of State or the Secretary of State has reasonable cause to believe that the record is materially false or fraudulent.

The amendment gives the person who presented the refused or removed record the option of asking the Superior Court to require the Secretary of State to file or record the refused record, or reinstate the filing or recording of the removed record from the original date of the filing or recording.

Enacted Law Summary

Public Law 2015, chapter 180 gives the Secretary of State the authority to refuse to file or record a record that is not required or authorized to be filed or recorded with the Secretary of State. The Secretary of State may also refuse to file or record a record if the Secretary of State has reasonable cause to believe the record is materially false or fraudulent.

Chapter 180 gives the Secretary of State the authority to remove a record that was filed or recorded erroneously because the record was not required or authorized to be filed or recorded with the Secretary of State or the Secretary of State has reasonable cause to believe that the record is materially false or fraudulent.

Chapter 180 gives the person who presented the refused or removed record the option of asking the Superior Court to require the Secretary of State to file or record the refused record, or reinstate the filing or recording of the removed record from the original date of the filing or recording.

LD 1260 Resolve, Requiring the Judicial Department To Study Court Facility Needs in Oxford, Waldo and York Counties

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS THIBODEAU	OTP-AM	H-190

This resolve directs the Judicial Department to conduct or contract for architectural feasibility studies to improve court facilities in Oxford County, Waldo County and York County and report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing

Joint Standing Committee on Judiciary

5. It authorizes the Attorney General to accept funds to fund those positions.

Committee Amendment "A" (S-277)

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

Committee Amendment "B" (S-278)

This amendment is the minority report of the committee and deletes the General Fund appropriation included in the bill.

Senate Amendment "A" To Committee Amendment "A" (S-320)

This amendment removes the appropriations and allocations section from the bill added by Committee Amendment "A." This amendment also amends the funding section of the bill to specify that the positions in the Attorney General's Office are limited-period positions.

Enacted Law Summary

Public Law 2015, chapter 306 strengthens the protections for senior citizens in the State by amending the purposes of the criminal sentencing provisions to specifically reference the factor of a victim's ability to self-protect due to age and by specifically including financial exploitation in the definition of "abuse." The Attorney General may accept funds to fund on a limited-period basis positions within the Department of the Attorney General to investigate and prosecute the financial exploitation of dependent adults.

Public Law 2015, chapter 306 was enacted as an emergency measure effective July 6, 2015.

LD 1306 An Act To Affirm the Obligation To Support One's Children

PUBLIC 212

Sponsor(s)

BRAKEY
MALABY

Committee Report

OTP-AM

Amendments Adopted

S-245

This bill clarifies that exemptions from attachment and execution do not apply to child support obligations.

Committee Amendment "A" (S-245)

This amendment replaces the bill to clarify what property of a child support obligor is exempt from collection efforts, including liens. The exemptions under this amendment are the same as under the current exemptions for seize and sell. It also updates the amounts of exempt interest in the obligor's property for a primary residence, \$47,500, and one motor vehicle, \$5,000, to bring those amounts closer into line with current property values.

Enacted Law Summary

Public Law 2015, chapter 212 clarifies what property of a child support obligor is exempt from collection efforts, including liens. The exemptions under this chapter are the same as under the current exemptions for seize and sell. It also updates the amounts of exempt interest in the obligor's property for a primary residence, \$47,500, and one motor vehicle, \$5,000, to bring those amounts closer into line with current property values.

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LD 1311 An Act To Establish the Patient Compensation System Act

CARRIED OVER

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

This bill establishes within the Department of Professional and Financial Regulation the Patient Compensation System, which allows a person who has suffered a medical injury to receive compensation outside of the court system. The Patient Compensation System is governed by a board of medical, legal, patient and business representatives. The bill establishes three offices within the system to provide medical review of claims, compensation allocations and quality review, as well as two committees to provide guidance in the selection of medical review panelists and the design of compensation schedules. The bill also creates the Patient Compensation System Fund, which is funded by fees paid by physicians participating in the system.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1312 An Act To License Outpatient Surgical Abortion Facilities

**Accepted Majority
(ONTP) Report**

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

This bill requires outpatient surgical abortion facilities to be licensed by the Department of Health and Human Services. The department must adopt rules governing licensing of these facilities and may adopt rules establishing reasonable operational and safety standards for these facilities.

**LD 1317 An Act To Provide Expedited Court Review of Child Visitation
Provisions for Military Personnel on Duty out of State**

PUBLIC 273

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE PATRICK	OTP-AM	H-411

This bill provides an expedited process for persons serving in the United States Armed Forces who are deployed or stationed out of State to move for enforcement of visitation provisions of child custody determinations.

Committee Amendment "A" (H-411)

This amendment adds to the expedited enforcement of visitation provisions members of the National Guard who are on active duty and are serving outside the State or overseas.

Enacted Law Summary

Public Law 2015, chapter 273 provides an expedited process for persons serving in the United States Armed Forces and members of the National Guard who are deployed or stationed out of State to move for enforcement of visitation provisions of child custody determinations.

Joint Standing Committee on Judiciary

LD 1322 An Act To Implement the Recommendations of the Probate and Trust Law Advisory Commission Concerning the Probate Code

CARRIED OVER

Sponsor(s)

HOBBSINS

Committee Report

Amendments Adopted

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

This bill proposes to implement the recommendations of the Probate and Trust Law Advisory Commission concerning the Probate Code pursuant to Resolve 2013, chapter 5 and chapter 82.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1330 An Act To Enhance Efficiency in the Collection of Child Support Obligations

PUBLIC 186

Sponsor(s)

SANDERSON
BRAKEY

Committee Report

OTP-AM

Amendments Adopted

H-361

This bill amends laws concerning the collection of child support obligations. It removes from the duration of an order to seek work the provision "or until the obligor finds work." It changes the time frame in which a primary care provider of a child is deemed to be unavailable for employment from three years to the first six months of the child's life. It allows, when appropriate, an adjustment of child support obligations for a child in the party's household other than the child for whom a support order is being sought, even if that adjustment results in a reduction of a previously established award. It repeals the automatic suspension of the child support obligation of assisted obligors, and it corrects an inconsistency in amounts withheld from an obligor's withholding from \$2 per week to \$2 per pay period.

Committee Amendment "A" (H-361)

This amendment changes the time frame in which a primary care provider of a child is deemed to be unavailable for employment for the purposes of the laws governing the collection of child support obligations from three years to the first 24 months of the child's life.

This amendment also removes the requirement that the Department of Health and Human Services include blank forms for modification along with the notice that the child support obligation is suspended while the obligor is receiving public assistance. These forms are available online, and upon request, and are used by very few recipients of the notice. Elimination of this requirement will save close to \$3,000 per year in printing and mailing costs to the department.

Enacted Law Summary

Public Law 2015, chapter 186 amends laws concerning the collection of child support obligations as follows.

1. It removes from the duration of an order to seek work the provision "or until the obligor finds work."
2. It changes the time frame in which a primary care provider of a child is deemed to be unavailable for employment from three years to the first 24 months of the child's life.
3. It allows, when appropriate, an adjustment of child support obligations for a child in the party's household other

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than the child for whom a support order is being sought, even if that adjustment results in a reduction of a previously established award.

4. It corrects an inconsistency in amounts withheld from an obligor's withholding from \$2 per week to \$2 per pay period.

5. It removes the requirement that the Department of Health and Human Services include blank forms for modification along with the notice that the child support obligation is suspended while the obligor is receiving public assistance.

LD 1338 An Act Regarding Legal Representation in Certain Eviction Actions

PUBLIC 195

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

Current law provides that a person who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple or registered domestic partners who is not an attorney may appear in court for that company in an action for forcible entry and detainer. The bill limits the application of this provision of law to an individual. The bill also allows an individual who is not an attorney and who is a member of a limited liability company that is owned by an individual and that individual's issue to appear in court for that company in an action for forcible entry and detainer. The bill also strikes the statutory sunset of the provision.

Enacted Law Summary

Public Law 2015, chapter 195 eliminates the repeal of the current law that allows a person who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple or registered domestic partners who is not an attorney to appear in court for that company in an action for forcible entry and detainer. It also allows an individual who is not an attorney and who is a member of a limited liability company that is owned by an individual and that individual's issue to appear in court for that company in an action for forcible entry and detainer.

LD 1340 An Act To Enact the Preservation of Religious Freedom Act

**Leave to Withdraw
Pursuant to Joint
Rule**

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

This bill enacts the Preservation of Religious Freedom Act. It codifies legislative findings that summarize the enshrinement of the right to the free exercise of religion in the United States Constitution and the Constitution of Maine and case law of the Maine Supreme Judicial Court and the United States Supreme Court interpreting the fundamental and unalienable right to the free exercise of religion, as well as the extent to which a legislative body can legislate in this area.

The Preservation of Religious Freedom Act has as its purpose the restoration of the compelling interest test as set forth in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), and *Sherbert v. Verner*, 374 U.S. 398 (1963). The Act guarantees the application of the compelling interest test in all cases in which the government substantially burdens the exercise of religion and provides a claim or defense to a person whose exercise of religion is burdened by the

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government.

The Act provides that the government may not directly or indirectly substantially burden a person's exercise of religion unless the application of the burden to the person is in furtherance of a compelling governmental interest and is accomplished through the least restrictive means. The Act allows a person whose exercise of religion has been substantially burdened in violation of the Act to assert the violation as a claim or defense in a court action.

The Act's requirement that the government's infringement upon the free exercise of religion be justified by a compelling interest is similar to the requirement placed on the Federal Government through the Religious Freedom Restoration Act of 1993 and that of other states that have passed similar protections.

LD 1342 An Act To Prohibit Unauthorized Custody Transfers of Children

PUBLIC 274

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN VOLK	OTP-AM	H-410

This bill addresses the practice of rehomeing children by creating a new crime prohibiting the transfer of the long-term care and custody of a child without a court order. The new crime is described as a parent, guardian or other person legally charged with the long-term care and custody of a child under 16 years of age, or a person to whom the long-term care and custody of a child under 16 years of age has been expressly delegated, transferring the long-term care and custody of the child to another person who is not a family member without authorization by order of a court that has jurisdiction over the child. This is a Class C crime.

Committee Amendment "A" (H-410)

This amendment deletes from the bill the proposed new crime of unlawful transfer of long-term care and custody of a child and replaces it with amendments to the existing crime of abandonment of a child, prohibiting substantially the same conduct. This amendment adds to the crime of abandonment of a child a prohibition on placing a child with or transferring the physical custody of a child to a nonrelative without court approval. If the child is less than six years of age, the crime is a Class C crime and if the child is less than 18 years of age, the crime is a Class D crime. This amendment creates an affirmative defense that the placement or transfer of custody of the child is due to the incarceration, military service, medical treatment or incapacity of the person and is temporary and for a designated short-term period with a specific intent and time period for the return of the child.

This amendment clarifies that a person is prohibited from advertising for the purpose of finding a person to take into permanent custody a particular child; current law provides that a person is prohibited from advertising for the purpose of finding a person to adopt a child. This amendment removes from the provision in the bill prohibiting advertising the prohibition on publication and reduces the penalty for advertising to a maximum of \$5,000. The bill provides an exemption from the advertising prohibitions for the Department of Health and Human Services and licensed child-placing agencies, as well as attorneys advertising their availability to provide legal services relating to adoption.

Enacted Law Summary

Public Law 2015, chapter 274 amends the existing crime of abandonment of a child to prohibit the transfer of the long-term care and custody of a child without a court order. It also adds to the crime of abandonment of a child a prohibition on placing a child with or transferring the physical custody of a child to a nonrelative without court approval. If the child is less than six years of age, the crime is a Class C crime and if the child is less than 18 years of age, the crime is a Class D crime. Chapter 274 creates an affirmative defense that the placement or transfer of custody of the child is due to the incarceration, military service, medical treatment or incapacity of the person and is temporary and for a designated short-term period with a specific intent and time period for the return of the child.

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Chapter 274 clarifies that a person is prohibited from advertising for the purpose of finding a person to take into permanent custody a particular child; current law provides that a person is prohibited from advertising for the purpose of finding a person to adopt a child. It imposes a maximum penalty of \$5,000 for a violation.

LD 1381 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 329
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-495

This bill corrects errors and inconsistencies in the laws of Maine pursuant to the Maine Revised Statutes, Title 1, section 94 and Joint Rule 311.

Committee Amendment "A" (H-495)

This amendment amends the bill to designate the contents of the bill as Part A. The amendment revises a provision in the bill to correct the list of categories of meat and poultry processors that may register with the Department of Agriculture, Conservation and Forestry to engage in intrastate commerce to make it clear that the categories are alternatives.

This amendment revises the labeling requirements included in the bill to carry out the intent of Public Law 2013, chapter 304 to allow mobile poultry processing unit operators to sell uninspected poultry products at a farmers' market, to a locally owned grocery store or to a locally owned restaurant only if specific labeling requirements are met.

This amendment adds Part B to include corrections that may be considered substantive changes. Part B:

1. Corrects a conflict created when Public Law 2011, chapter 298 amended Title 17-A, section 1057, subsection 3 and Public Law 2011, chapter 394 repealed Title 17-A, section 1057, subsection 3. This amendment corrects the conflict by repealing the subsection and replacing it with the chapter 298 version. This correction is supported by the Joint Standing Committee on Criminal Justice and Public Safety;
2. Corrects a conflict created by Public Law 1981, chapters 150 and 175, which enacted the same provision of law with a minor difference. Chapter 150 used the phrase "evidence of individual insurability" where chapter 175 used the phrase "evidence of insurability." This amendment corrects the conflict by repealing the provision and replacing it with the chapter 150 version;
3. Corrects an error by adding a cross-reference that was inadvertently omitted. This correction is supported by the Joint Standing Committee on Insurance and Financial Services; and
4. Corrects a conflict created when Public Law 2013, chapter 451 amended Public Law 2013, chapter 368, Part S, section 9 and Public Law 2013, chapter 595 repealed the same provision by repealing Public Law 2013, chapter 368, Part S, section 9.

This amendment adds Part C to amend Title 10, section 1174, subsection 3 to correct the erroneous inclusion of Title 10, section 1174, subsection 3, paragraph W in the committee amendment LD 1482 in the 126th Legislature. It provides that the changes apply retroactively to the effective date of Public Law 2013, chapter 534, which enacted Title 10, section 1174, subsection 3, paragraph W. These changes are substantive and supported by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

This amendment adds Part D to correct technical conflicts between two bills related to alcoholic beverage tastings conducted by retailers and the role of sales representatives in those events. Public Law 2015, chapters 129 and 184

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amended the same sections of Title 28-A in different ways. Chapter 129 was enacted as an emergency, but chapter 184 was not, therefore this amendment provides that Part D takes effect 90 days after the adjournment of the First Regular Session of the 127th Legislature to be consistent with chapter 184's effective date.

This amendment adds Part E to correct a clerical error in the Maine Energy Cost Reduction Act concerning energy cost reduction contracts, enacted by Public Law 2013, chapter 369, by twice replacing the word "contact" with "contract." This is a technical correction.

Enacted Law Summary

Public Law 2015, chapter 329 corrects both technical and substantive errors and inconsistencies in the laws of Maine.

Public Law 2015, chapter 329 was enacted as an emergency measure effective July 12, 2015, except as otherwise provided.

LD 1391 An Act Regarding the Treatment of Forensic Patients

**PUBLIC 325
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY KATZ	OTP-AM	H-479 H-487 SANDERSON

This bill allows the Commissioner of Health and Human Services to administer medication to a defendant who has been found incompetent to proceed without the defendant's consent if a court finds that certain standards have been met. It allows the commissioner to authorize a hospital to administer medication to a defendant who has been found incompetent to proceed or to a person who has been committed to the custody of the commissioner following acceptance of a negotiated insanity plea or following a verdict or finding of insanity without that defendant's or person's consent if certain standards are met, subject to appeal to the court.

Committee Amendment "A" (H-479)

This amendment changes the references to "antipsychotic" medication to "psychiatric" medication to more accurately describe the type of medication that may be administered.

The amendment changes the terminology from competency "to stand trial" to competency "to proceed" to be consistent throughout the bill.

The amendment revises the definition of "Commissioner of Health and Human Services" to include the commissioner's designee.

The amendment deletes the definition of "gravely disabled" and replaces it with the standard that the patient poses a substantial risk of harm to self or others or there is a reasonable certainty that the patient will suffer severe physical or mental harm as manifested by recent behavior demonstrating an inability to avoid risk or to protect the patient adequately from impairment or injury if not medicated.

The amendment revises the factors that the commissioner must consider in order to continue the extension of the order allowing treatment without the patient's consent. The commissioner must find by clear and convincing evidence that:

1. The patient has a mental illness or disorder;
2. As a result of that illness or disorder the patient poses a substantial risk of harm to self or others or there is a

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reasonable certainty that the patient will suffer severe physical or mental harm as manifested by recent behavior demonstrating an inability to avoid risk or to protect the patient adequately from impairment or injury if not medicated;

- 3. There is no less intrusive alternative to involuntary medication; and
- 4. The need for treatment outweighs the risks and side effects.

The amendment clarifies that the patient or the patient's designated representative may request that the treatment authorization be terminated early by filing a request with the department that demonstrates that there is a significant change to the conditions that led to the original order or the patient's medical condition. If the hearing officer determines that a hearing on the request is warranted, then the patient must be provided counsel at the Department of Health and Human Services' expense at least seven days before the hearing. If the hearing officer recommends termination of the treatment authorization to the commissioner, the commissioner must either order the termination or deny the request for termination within 48 hours of the recommendation.

This amendment adds a new section that clarifies that the court may order an independent psychiatric or medical examination to make a determination under the bill. The Administrative Office of the Courts is directed to request that the Department of Health and Human Services reimburse the full amount of fees paid to the providers of the examinations. The Department of Health and Human Services is directed to reimburse the Judicial Department within 30 days after the request.

House Amendment "A" (H-487)

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

Enacted Law Summary

Public Law 2015, chapter 325 allows the Commissioner of Health and Human Services to administer medication to a defendant who has been found incompetent to proceed without the defendant's consent if a court finds that certain standards have been met. It allows the commissioner to authorize a hospital to administer medication to a defendant who has been found incompetent to proceed or to a person who has been committed to the custody of the commissioner following acceptance of a negotiated insanity plea or following a verdict or finding of insanity without that defendant's or person's consent if certain standards are met, subject to appeal to the court.

Chapter 325 clarifies that the court may order an independent psychiatric or medical examination to make a required determination. The Administrative Office of the Courts is directed to request that the Department of Health and Human Services reimburse the full amount of fees paid to the providers of the examinations. The Department of Health and Human Services is directed to reimburse the Judicial Department within 30 days after the request.

Public Law 2015, chapter 325 was enacted as an emergency measure effective July 7, 2015.

LD 1425 An Act To Amend the Laws Relating to Corporations and Limited Partnerships

PUBLIC 254

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill allows nonprofit corporations, business corporations and domestic limited partnerships to apply for reinstatement more than six years after being administratively dissolved. It also establishes a maximum reinstatement fee for a nonprofit corporation, comparable to the maximum fees that are allowed for the other entities under current law.

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Enacted Law Summary

Public Law 2015, chapter 254 allows nonprofit corporations, business corporations and domestic limited partnerships to apply for reinstatement more than six years after being administratively dissolved. It also establishes a maximum reinstatement fee for a nonprofit corporation, comparable to the maximum fees that are allowed for the other entities under current law.

LD 1433 An Act To Create the Office of the Public Defender and Amend the Duties of the Commission on Indigent Legal Services

CARRIED OVER

Sponsor(s)

BURNS
HOBBINS

Committee Report

Amendments Adopted

This bill establishes a statewide public defender system. The purposes of this bill are to:

1. Provide effective assistance of counsel to indigent criminal defendants, juvenile defendants and children and parents in child protective cases in courts of this State;
2. Ensure that the system is free from undue political interference and conflicts of interest;
3. Provide for the delivery of public defender services by qualified and competent counsel in a manner that is fair and consistent throughout the State;
4. Establish a system that uses state employees, contracted services and other methods of providing services in a manner that is responsive to and respectful of regional and community needs and interests;
5. Ensure that adequate public funding of the statewide public defender system is provided and the system is managed in a fiscally responsible manner; and
6. Ensure that a person using the services of a statewide public defender system pay reasonable costs for services provided by the system based on the person's financial ability to pay.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1434 An Act To Amend the Laws Governing Law Enforcement's Access to, and Access to Information about, Certain Persons in Hospitals and Mental Health Facilities

PUBLIC 218

Sponsor(s)

STETKIS

Committee Report

OTP-AM

Amendments Adopted

H-409

This bill provides that:

1. If a law enforcement officer transports or causes to be transported to a hospital or mental health facility a person who is in the custody of that law enforcement officer, the hospital or mental health facility may not discharge that person from care unless the person leaves in the custody of a licensed law enforcement officer and the hospital or mental health facility must provide to that law enforcement officer or the relevant law enforcement agency a report that includes, if known, the name, residence, sex and age of the person and the date and time at which the person is scheduled to be discharged;

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- 2. Law enforcement officers be given full access to hospitals and mental health facilities in order to serve defendants with protection from abuse orders; and
- 3. A hospital, mental health facility or other person who in good faith makes a report, provides information or cooperates in an investigation in accordance with the Maine Revised Statutes, Title 34-B, section 1207, subsection 10 is immune from civil or criminal liability or professional licensure action arising out of that action or actions.

Committee Amendment "A" (H-409)

This amendment replaces the bill. It authorizes a hospital to disclose otherwise confidential health information of a patient without the consent of the patient under specific circumstances. The hospital is immune from civil or criminal liability or professional licensure action arising out of the hospital's compliance with this law. No cause of action against the hospital is created for failure to provide the access or information.

Enacted Law Summary

Public Law 2015, chapter 218 authorizes a hospital to disclose otherwise confidential health information of a patient without the consent of the patient under the following specific circumstances:

- 1. To assist law enforcement agency in serving a protection from abuse order to a person who is a patient in the hospital; or
- 2. To notify a law enforcement agency that brought a patient to the hospital that the patient is leaving the hospital so that the agency may arrest the patient.

The hospital may provide this information only if the request from law enforcement is consistent with the federal Health Insurance Portability and Accountability Act of 1996 privacy regulations, 45 Code of Federal Regulations, Section 164.512 (2015) and the federal privacy regulations for drug and alcohol abuse patients, 42 Code of Federal Regulations, Part 2 (2015).

The hospital is immune from civil or criminal liability or professional licensure action arising out of the hospital's compliance with this law. No cause of action against the hospital is created for failure to provide the access or information.

LD 1438 An Act To Include Muzzle-loading Firearms, Bows and Crossbows as Dangerous Weapons for Purposes of Protection from Abuse Orders

PUBLIC 217

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEAD	OTP-AM	H-424

Current law authorizes the court to prohibit a defendant who is subject to a protection from abuse order from possessing a firearm or other dangerous weapon during the duration of the order. This bill amends that law to specifically include bows and crossbows as weapons that the court may prohibit a defendant from possessing during the duration of a protection from abuse order.

Committee Amendment "A" (H-424)

This amendment includes the specific mention of muzzle-loading firearms as a type of dangerous weapon the possession of which may be prohibited by a protection from abuse order.

Enacted Law Summary

Public Law 2015, chapter 217 authorizes the court to prohibit a defendant who is subject to a protection from abuse

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order from possessing muzzle-loading firearms, bows and crossbows during the duration of the order.

**LD 1455 An Act To Make a Technical Correction to a Recently Enacted Law
Regarding the Appointment of District Court Judges**

**PUBLIC 377
EMERGENCY**

Sponsor(s)

BURNS

Committee Report

Amendments Adopted

This bill corrects the statutory count of District Court judges to match the number funded in Public Law 2015, chapter 267.

This bill was not referred to a committee.

Enacted Law Summary

Public Law 2015, chapter 377 corrects the statutory count of District Court judges, from 36 to 38, to match the number funded in Public Law 2015, chapter 267.

Public Law 2015, chapter 377 was enacted as an emergency measure effective July 17, 2015.

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SUBJECT INDEX

Abortion Regulation

Not Enacted

LD 83	An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons	Majority (ONTP) Report
LD 1312	An Act To License Outpatient Surgical Abortion Facilities	Majority (ONTP) Report

Attorney General & District Attorneys

Enacted

LD 1005	An Act To Amend the Law Regarding Medical Examiners	PUBLIC 285
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Not Enacted

LD 962	An Act To Require the Attorney General To Investigate the Death of a Person in Police Custody or in a Correctional Facility	ONTP
LD 1121	An Act To Fund the Cold Case Homicide Unit in the Department of the Attorney General	Died On Adjournment

Business & Nonprofit Organizations

Enacted

LD 1136	An Act To Amend the Maine Business Corporation Act	PUBLIC 259
LD 1425	An Act To Amend the Laws Relating to Corporations and Limited Partnerships	PUBLIC 254

Not Enacted

LD 58	An Act To Require Transparency of the Ownership of All Companies Providing Funds To Build Infrastructure for Development Purposes	Majority (ONTP) Report
LD 351	An Act To Reinstate as a Nonprofit Corporation the Orchard Hills Umbrella Association	ONTP
LD 1181	An Act To Limit Liability for Certain Successor Corporations under Specific Circumstances	CARRIED OVER

Child Abuse and Child Protection

Enacted

LD 199	An Act To Improve the Reporting of Child Abuse	PUBLIC 117
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LD 328	An Act To Allow Personal Representatives of Children Access to Certain Documents of the Department of Health and Human Services Regarding Child Protective Activities	PUBLIC 198
LD 1117	An Act To Clarify the Policy for Withdrawal of Life Support from Minors	PUBLIC 187
LD 1238	An Act To Allow the Release of Child Protective Records to Certain Providers of Child and Adult Services	PUBLIC 194
<u>Not Enacted</u>		
LD 1224	An Act To Amend the Child Protective Services Laws	CARRIED OVER

Constitutional Issues

<u>Enacted</u>		
LD 25	An Act To Regulate Domestic Unmanned Aerial Vehicle Use	PUBLIC 307
<u>Not Enacted</u>		
LD 330	An Act To Protect Rights and Privileges Granted under the United States Constitution and the Constitution of Maine	Died Between Houses
LD 531	An Act To Establish the Maine Fourth Amendment Protection Act	Died Between Houses
LD 584	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit the Denial of Equal Rights Based on the Sex of an Individual	Died On Adjournment

Courts and Court Procedure

<u>Enacted</u>		
LD 181	An Act To Create Efficiencies in Court Process	PUBLIC 78
LD 416	An Act To Provide for Direct Appeals under the Maine Juvenile Code to the Supreme Judicial Court	PUBLIC 100
LD 451	An Act To Improve Disclosure Procedures	PUBLIC 275
LD 892	An Act To Amend Certain Laws Affecting the Judicial Branch	PUBLIC 158
LD 1186	An Act To Promote Professional Training and Security in Maine Courts	PUBLIC 238 EMERGENCY
<u>Not Enacted</u>		
LD 775	An Act To Streamline Judicial Review of Certain Land Use Decisions	CARRIED OVER
LD 890	An Act To Ensure a Continuing Home Court for Cases Involving Children	CARRIED OVER
LD 951	An Act To Restore Judicial Discretion in the Administration of Fines	CARRIED OVER
LD 1163	An Act To Amend the Garnishment Laws of the State	CARRIED OVER
LD 1260	Resolve, Requiring the Judicial Department To Study Court Facility Needs in Oxford, Waldo and York Counties	Died On Adjournment

Courts, Jury Duty

Not Enacted

LD 57	An Act To Increase Mileage Reimbursement and Compensation for Jurors	Died On Adjournment
LD 160	An Act To Provide Reasonable Compensation to Jurors	ONTP
LD 259	An Act To Increase Compensation for Jurors	ONTP

Courts, Justices and Judges

Enacted

LD 1455	An Act To Make a Technical Correction to a Recently Enacted Law Regarding the Appointment of District Court Judges	PUBLIC 377 EMERGENCY
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Not Enacted

LD 731	An Act To Increase Compensation for Active Retired Judges	ONTP
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Criminal Law and Procedure

Enacted

LD 210	An Act To Provide for Special Restrictions on Dissemination and Use of Criminal History Record Information for Class E Crimes Committed by an Adult under 21 Years of Age	PUBLIC 354
LD 774	An Act To Assist Victims of Crime To Obtain Restitution	PUBLIC 109
LD 1434	An Act To Amend the Laws Governing Law Enforcement's Access to, and Access to Information about, Certain Persons in Hospitals and Mental Health Facilities	PUBLIC 218

Domestic Violence/Protection from Abuse

Enacted

LD 861	An Act To Protect Victims of Domestic Violence, Sexual Assault or Stalking	PUBLIC 293
LD 1438	An Act To Include Muzzle-loading Firearms, Bows and Crossbows as Dangerous Weapons for Purposes of Protection from Abuse Orders	PUBLIC 217

Elder Issues

Enacted

LD 1272	An Act To Strengthen the Protections for Senior Citizens in the State	PUBLIC 306 EMERGENCY
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Family Law, General

Enacted

LD 1017	An Act To Update Maine's Family Law	PUBLIC 296
LD 1317	An Act To Provide Expedited Court Review of Child Visitation Provisions for Military Personnel on Duty out of State	PUBLIC 273

LD 1342 An Act To Prohibit Unauthorized Custody Transfers of Children PUBLIC 274

Not Enacted

LD 346 An Act To Require Shared Parenting of Minor Children When the Parents Separate ONTP

LD 642 An Act To Amend the Laws Regarding the Best Interest of the Child Standard ONTP

LD 864 An Act To Require Parenting Plans To Be Timely Filed ONTP

LD 953 An Act To Implement Changes in the Family Division To Improve the Experience of Pro Se Litigants ONTP

Family Law, Child Support

Enacted

LD 1306 An Act To Affirm the Obligation To Support One's Children PUBLIC 212

LD 1330 An Act To Enhance Efficiency in the Collection of Child Support Obligations PUBLIC 186

Family Law, Guardians ad litem

Not Enacted

LD 349 An Act To Ensure Accountability of Guardians Ad Litem ONTP

LD 631 Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Guardians Ad Litem ONTP

Foreclosure

Enacted

LD 276 An Act Regarding Maine's Power of Sale Foreclosure Law PUBLIC 147

LD 401 An Act To Create Transparency in the Mortgage Foreclosure Process PUBLIC 229

LD 846 An Act To Expedite Final Hearings in Certain Foreclosure Cases PUBLIC 243

Not Enacted

LD 111 An Act To Ensure That Defendants Receive Proper Notification in Foreclosure Proceedings Veto Sustained

LD 735 An Act To Establish a Voluntary Preforeclosure Mediation Program ONTP

LD 920 An Act To Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners Veto Sustained

LD 1147 An Act To Clarify the Mortgage Foreclosure Sale Process Veto Sustained

Freedom of Access/Confidentiality/Privacy

Enacted

LD 136 An Act To Clarify That the Medical Records of Applicants for PUBLIC 152

	Disability Variances Submitted to Municipal Boards of Appeal Are Not Public Records	
LD 206	An Act To Clarify Restrictions on Disclosure of E-9-1-1 System Information	PUBLIC 153
LD 344	An Act To Amend the Laws Governing the Confidentiality of Library Records	PUBLIC 81
LD 484	An Act Regarding the Confidentiality of Railroad Carrier Cargo	PUBLIC 161
LD 756	An Act To Enhance the Address Confidentiality Program Regarding Property Records	PUBLIC 313
LD 1014	An Act To Ensure Confidentiality of Personally Identifying Information for Professional Investigators, Investigative Assistants and Dependents of Deployed Members of the Military	PUBLIC 295
LD 1085	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Receipt of a Request for Public Records	PUBLIC 317
LD 1086	An Act To Implement the Recommendations of the Right To Know Advisory Committee To Create a Remedy for Unduly Burdensome and Oppressive Requests	PUBLIC 248
LD 1087	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Response Deadlines and Appeals	PUBLIC 249
LD 1088	An Act To Implement Recommendations of the Right To Know Advisory Committee	PUBLIC 250
<u>Not Enacted</u>		
LD 252	An Act To Increase Transparency of Entities Receiving Substantial Amounts of Public Funding	ONTP
LD 303	An Act To Improve Communications Regarding Executive Sessions	ONTP
LD 448	An Act Regarding the Use of Remote-access Technology at Public Meetings of the Public Utilities Commission	ONTP
LD 611	An Act To Improve the Transparency of Decision-making Bodies of Publicly Funded Hospitals	Majority (ONTP) Report
LD 686	An Act To Promote Privacy in Social Media	Died On Adjournment
LD 1026	An Act To Make Confidential the E-mail Addresses of Applicants for Department of Marine Resources Licenses	Majority (ONTP) Report
LD 1171	An Act To Protect Certain Information under the Maine Human Rights Act	Died Between Houses
LD 1241	An Act To Increase Government Efficiency	CARRIED OVER

Human Rights and Medical Rights

<u>Not Enacted</u>		
LD 950	An Act To Prohibit Discrimination against a Person Who Is Not Vaccinated	Majority (ONTP) Report
LD 1003	An Act To Prohibit Discrimination by Employers and Protect the	Died Between

	Privacy of an Applicant for Employment, an Employee or an Employee's Dependents Regarding Reproductive Health Decisions	Houses
LD 1340	An Act To Enact the Preservation of Religious Freedom Act	Leave to Withdraw

Involuntary Commitment and Treatment

Enacted

LD 1145	An Act To Improve Maine's Involuntary Commitment Processes	PUBLIC 309 EMERGENCY
LD 1391	An Act Regarding the Treatment of Forensic Patients	PUBLIC 325 EMERGENCY

Not Enacted

LD 1214	An Act To Implement the Recommendations of the Mental Health Working Group	CARRIED OVER
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Landlord and Tenant Issues

Enacted

LD 71	An Act To Amend the Laws Governing Service of Process in Eviction Actions	PUBLIC 22
LD 1338	An Act Regarding Legal Representation in Certain Eviction Actions	PUBLIC 195

Not Enacted

LD 221	An Act To Amend the Laws Regarding Service Animal Housing Accommodations	CARRIED OVER
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Legal Services

Enacted

LD 360	An Act To Clarify That the Information Gathered during Investigations of Attorneys by the Maine Commission on Indigent Legal Services Is Confidential	PUBLIC 290
LD 851	Resolve, Regarding Legislative Review of Portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	RESOLVE 38 EMERGENCY

Not Enacted

LD 8	Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services	CARRIED OVER
LD 778	Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	CARRIED OVER
LD 1433	An Act To Create the Office of the Public Defender and Amend the Duties of the Commission on Indigent Legal Services	CARRIED OVER

Miscellaneous

Enacted

LD 485	An Act To Allow Licensed Foresters To Use Mechanics Liens	PUBLIC 56
LD 670	An Act To Amend the Laws Governing the Unlawful Cutting of Trees	PUBLIC 241
LD 829	An Act To Amend the Trespass Laws Pertaining to Railroad Property	PUBLIC 204 EMERGENCY
LD 1259	An Act To Increase Consumer Protections	PUBLIC 180

Not Enacted

LD 159	An Act To Prevent Bad Faith Assertions of Patent Infringement	Majority (ONTP) Report
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Probate Code and Trust Code

Not Enacted

LD 1065	An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and Incapacitated Persons	CARRIED OVER
LD 1177	An Act To Enact the Recommendations of the Probate and Trust Law Advisory Commission Regarding the Maine Uniform Fiduciary Access to Digital Assets Act	CARRIED OVER
LD 1216	An Act To Improve the Authority of Guardians of Persons with Intellectual Disabilities or Autism	Died Between Houses
LD 1322	An Act To Implement the Recommendations of the Probate and Trust Law Advisory Commission Concerning the Probate Code	CARRIED OVER

Real Property, Property Rights and Eminent Domain

Enacted

LD 321	An Act To Protect Consumers against Residential Real Estate Title Defects	PUBLIC 289
LD 776	An Act To Update the Validation of Miscellaneous Defects and Defective Acknowledgments in the Conveyance of Real Estate	PUBLIC 157
LD 820	An Act To Amend and Clarify Certain Notice and Assessment Provisions of the Maine Condominium Act	PUBLIC 122
LD 891	An Act To Help Municipalities Dispose of Certain Abandoned Property	PUBLIC 244
LD 955	An Act To Make Changes to Laws Governing Condominiums Regarding the Display of Signs	PUBLIC 271
LD 1168	An Act To Prohibit the Use of Eminent Domain in Certain Public-private Partnerships and To Prohibit the Use of Eminent Domain by a Private Business Entity in a Public-private Partnership	PUBLIC 263
LD 1203	An Act To Address the Detrimental Effects of Abandoned Property	PUBLIC 276

Not Enacted

LD 161	An Act To Ban the United Nations Agenda 21 in Maine	Died Between Houses
LD 162	An Act To Protect the Rights of Property Owners	Majority (ONTP) Report
LD 309	An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens	Died Between Houses
LD 482	An Act To Prohibit Flying over Land with Drones without Written Permission from the Landowner	ONTP
LD 994	An Act To Create a Priority Lien Securing 6 Months of Assessments under the Maine Condominium Act	ONTP
LD 1261	An Act To Correct Defects in Title Created by Improperly Discharged Mortgages	ONTP

Statutes

Enacted

LD 1381	An Act To Correct Errors and Inconsistencies in the Laws of Maine	PUBLIC 329 EMERGENCY
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Torts and Immunity

Enacted

LD 12	An Act To Limit the Liability of Landowners Who Allow Recreational Climbing on Their Land	PUBLIC 20
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Not Enacted

LD 434	An Act To Promote Equity in the Joint and Several Liability Law in Maine	Majority (ONTP) Report
LD 513	An Act To Clarify the Protections of Court Appointed Special Advocate Workers under State Law	ONTP
LD 1311	An Act To Establish the Patient Compensation System Act	CARRIED OVER

Tribal-State Relations

Enacted

LD 893	Resolve, Directing the Secretary of State, Maine State Library and Law and Legislative Reference Library To Make the Articles of Separation of Maine from Massachusetts More Prominently Available to Educators and the Inquiring Public	RESOLVE 40
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Not Enacted

LD 267	An Act To Implement the Recommendations of the Truth and Reconciliation Commission	CARRIED OVER
LD 268	An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's Authority To Exercise Jurisdiction under the Federal Tribal	CARRIED OVER

	Law and Order Act of 2010 and the Federal Violence Against Women Reauthorization Act of 2013	
LD 553	An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives	ONTP
LD 574	An Act To Amend the Laws Governing the Membership of the Maine Commission on Domestic and Sexual Abuse	Veto Sustained
LD 993	Resolve, To Allow a Federally Recognized Indian Tribe To Conduct a Pilot Project in Hemp Cultivation	ONTP
LD 1094	An Act To Improve Tribal-state Relations	ONTP

Unclaimed Property

Enacted

LD 929	An Act Relative to the Escheat of United States Savings Bonds	PUBLIC 215
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Not Enacted

LD 583	An Act To Clarify the Law Governing Mortuary Trust Accounts as They Relate to the Uniform Unclaimed Property Act	ONTP
LD 1031	An Act To Improve the Unclaimed and Abandoned Property Laws	ONTP
LD 1130	An Act To Clarify the Use of Lawyer's Trust Account Funds When the Owner Is Not Known or Cannot Be Located	Majority (ONTP) Report

STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

August 2015

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

LD 9 An Act To Retain Call Centers in Maine

**Accepted Majority
(ONTP) Report**

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

This bill requires employers that intend to relocate a call center, or a facility or operating unit handling at least 30% of call volume within a call center, from Maine to a foreign country to notify the Commissioner of Labor at least 60 days before the relocation. The Commissioner is required to create a list of these employers, and to update it twice a year. An employer appearing on the list is ineligible for a state grant, loan or tax benefit for two years; however, the Commissioner may allow exceptions for employers that demonstrate that the lack of the grant, loan or tax benefit would result in substantial job loss in the State or harm the environment. The bill also contains a clawback provision that requires an employer on the Commissioner's list to pay back the unamortized value of a direct or indirect state grant, loan or tax benefit previously issued to such an employer. If an employer fails to notify the Commissioner of Labor of the relocation of a call center at least 60 days before the relocation, a fine of \$350 per day may be assessed. The Commissioner may reduce the fine amount for just cause shown.

The bill also requires that call center work for executive branch agencies of the State be performed in the State. Employers that have an existing contract with the State, and that use call centers outside of Maine to do the work for that contract, will have a two-year window to comply with the provisions of the bill.

Committee Amendment "A" (H-214)

The amendment which is the minority report of the committee, adds an appropriations and allocations section.

LD 36 An Act To Increase the Minimum Wage

ONTP

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

This bill raises the minimum wage to \$9.00 per hour beginning October 1, 2015 and to \$10.00 per hour beginning October 1, 2016 and provides that, beginning October 1, 2017, the minimum wage must be adjusted for inflation on October 1st of each year.

LD 52 An Act To Adjust Maine's Minimum Wage

ONTP

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

This bill raises the minimum wage to \$9.50 per hour beginning October 1, 2015.

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LD 61 An Act To Require Tattoo Practitioners To Be at Least 18 Years of Age ONTP

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

This bill requires a tattoo practitioner to be at least 18 years of age. It also changes the maximum licensing fee for persons who are not residents of the State.

LD 72 An Act To Increase the Minimum Wage ONTP

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

This bill raises the minimum wage to \$10.10 per hour beginning October 1, 2015 and provides that, beginning October 1, 2016, the minimum wage must be automatically adjusted for inflation on October 1st of each year.

LD 77 An Act To Raise the Minimum Wage ONTP

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

This bill raises the minimum wage to \$9.75 per hour beginning October 1, 2015.

LD 81 An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation Died Between Houses

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

This bill expands the list of statements that are inadmissible in proceedings under the Maine Workers' Compensation Act of 1992 to include statements obtained after continued questioning of an employee by an investigator, employer or an employer's representative after that employee's request to have a representative of the employee's choice present has been denied.

Committee Amendment "A" (S-79)

This amendment, which is the majority report of the committee, clarifies that the representative requested by the employee can include a family member, friend or coworker.

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LD 91 An Act To Allow Dental Hygienists To Prescribe Fluoride Dentifrice and Antibacterial Rinse

PUBLIC 326

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI BURNS	OTP-AM ONTP	H-139

This bill amends the law to allow dental hygienists to prescribe dentifrice with a fluoride level of 5,000 parts per million or less and chlorhexidine oral rinse.

Committee Amendment "A" (H-139)

This amendment is the majority report of the committee. It adds dental hygienists with public health supervision status to the list of professionals identified in the bill, including dental hygienists, independent practice dental hygienists and dental hygiene therapists, who are provided the authority to prescribe fluoride dentifrice and antibacterial rinse. The amendment specifies that these include anticavity toothpastes or topical gels with 1.1 percent or less sodium fluoride and oral rinses with 0.05 percent, 0.2 percent, 0.44 percent or 0.5 percent sodium fluoride, as well as chlorhexidine gluconate oral rinse. The amendment also provides dispensing authority and administering authority in addition to prescribing authority to all of these dental hygiene licensees. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2015, chapter 326 provides dental hygienists, dental hygienists with public health supervision status, independent practice dental hygienists and dental hygiene therapists with the authority to prescribe, dispense and administer dentifrice with a fluoride level of 5,000 parts per million or less and chlorhexidine oral rinse.

LD 92 An Act To Increase the Minimum Wage to \$8.00 per Hour

Died Between Houses

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

This bill raises the minimum wage to \$8.00 per hour beginning October 1, 2015.

Committee Amendment "A" (H-317)

This amendment, which is the majority report of the committee, changes the bill by adding three subsequent minimum wage raises, to \$8.50 on October 1, 2016, \$9.00 on October 1, 2017 and \$9.50 on October 1, 2018. The amendment also adds an appropriations and allocations section.

Committee Amendment "B" (H-318)

This amendment, which is a minority report of the committee, strikes the bill and replaces it with the following provisions governing the minimum wage and the employment of minors.

1. It raises the minimum wage rate to \$8.00 per hour, starting October 1, 2016, \$8.50 per hour starting October 1, 2017 and \$9.00 per hour starting October 1, 2018.
2. It prohibits a municipality from enacting or enforcing its own minimum wage rate.

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3. It conforms Maine law to federal law by providing that minors who are younger than 14 years of age may be employed only in the planting, cultivating or harvesting of field crops, or other agricultural employment that does not place them in direct contact with hazardous machinery or hazardous substances.
4. It conforms to federal law the hours that minors who are 16 years of age and 17 years of age may work by extending the permissible time until which such a minor may work on a day preceding a school day.
5. It eliminates the prohibition on minors under 16 years of age working more than six consecutive days.
6. It eliminates the prohibition on minors under 18 years of age working more than 50 hours per week when school is not in session.
7. It specifies that the restrictions on the hours of employment of minors do not apply to:
 - A. Agricultural employment that does not require direct contact with hazardous machinery or hazardous substances;
 - B. Employment or training as a theatrical actor or a film actor;
 - C. The taking or catching of lobsters, fish or other marine organisms, as long as the work does not require direct contact with hazardous machinery or hazardous substances; and
 - D. Work at a business that is solely owned by the minor's parent, as long as the work does not require direct contact with hazardous machinery or hazardous substances.

8. It adds an appropriations and allocations section.

**LD 93 An Act To Amend the Laws Governing Pine Tree Development Zone
Benefits for the Town of Berwick and the City of Sanford**

PUBLIC 336

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR COLLINS	OTP-AM	H-128

This bill allows the Town of Berwick in York County to be designated as a Pine Tree Development Zone tier one location in order to allow the town to be eligible for Pine Tree Development Zone benefits.

Committee Amendment "A" (H-128)

This amendment changes the title of the bill and requires the Commissioner of Economic and Community Development to establish a pilot project in the City of Sanford for tourism development, which may include theme park resort facility development. It retains the provision in the bill that allows the Town of Berwick in York County to be designated as a Pine Tree Development Zone tier one location in order to allow the town to be eligible for Pine Tree Development Zone benefits.

Enacted Law Summary

Public Law 2015, chapter 336 requires the Commissioner of Economic and Community Development to establish a pilot project in the City of Sanford for tourism development, which may include theme park resort facility development. It allows the Town of Berwick in York County to be designated as a Pine Tree Development Zone tier one location in order to allow the town to be eligible for Pine Tree Development Zone benefits.

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LD 117 An Act To Require the Prevailing Wage To Be Paid on All Public Works Projects for Which State Funding Is Used Died Between Houses

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

This bill amends the laws requiring the preference for Maine residents and the payment of prevailing wages in public works contracts to remove the exemption under those laws for contracts in amounts less than \$50,000.

Committee Amendment "A" (S-140)

This amendment, which is the majority report of the committee, extends the bill's requirement for the payment of the prevailing hourly rate of wages and benefits for all public works contracts to include public works funded by a municipality or school district when the State has transferred any amount of funding to the municipality or school district for those purposes. The amendment also changes the bill by retaining the exemption in current law for contracts under \$50,000. The amendment adds an appropriations and allocations section.

LD 121 Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Certain Mechanical Trades Died Between Houses

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

This resolve requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes of the proposal to license certain mechanical trades.

LD 125 An Act Extending Workers' Compensation Benefits to Certain Employees of the Office of the State Fire Marshal Who Contract Cancer PUBLIC 373

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND MAREAN	OTP-AM	S-76

This bill amends the law allowing for workers' compensation benefits for firefighters who contract cancer by including in the definition of firefighters investigators and sergeants employed by the Office of the State Fire Marshal.

Committee Amendment "A" (S-76)

This amendment changes the bill by adding a requirement that, in order to qualify for the rebuttable presumption that cancer was contracted in the course of employment, an investigator or sergeant in the Office of the State Fire Marshal must represent that the investigator or sergeant used protective equipment in compliance with Office of the State Fire Marshal policies in effect during the course of the investigator's or sergeant's employment.

Enacted Law Summary

Public Law 2015, chapter 373 amends the rebuttable presumption in the workers' compensation laws that

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firefighters who contract cancer did so in the course of employment by including in the definition of firefighters investigators and sergeants employed by the Office of the State Fire Marshal. In order to qualify for the presumption, in addition to the existing eligibility requirements, the investigator or sergeant in the Office of the State Fire Marshal must represent that the investigator or sergeant used protective equipment in compliance with Office of the State Fire Marshal policies in effect during the course of the investigator's or sergeant's employment.

LD 141 An Act To Amend the Definition of "Health Care Practitioner" in the Maine Health Security Act To Include Pharmacists **Accepted Majority (ONTP) Report**

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

This bill was originally referred to the Joint Standing Committee on Health and Human Services. It adds pharmacists to the definition of "health care practitioner" under the Maine Health Security Act.

Committee Amendment "A" (H-401)

This amendment is the minority report of the committee. It strikes the bill and requires pharmacists that provide counseling services within their scope of their practice to be reimbursed by MaineCare. It also includes a definition of "counseling services" and adds counseling services to the definition of the practice of pharmacy. In addition, it requires the Department of Health and Human Services to adopt routine technical rules to reimburse pharmacists for counseling services.

LD 163 An Act To Provide Economic Development Assistance to Rural Communities **ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to provide economic development assistance to rural communities with fewer than 1,500 residents.

LD 164 An Act To Establish the Maine Length of Service Award Program **PUBLIC 352**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS DUTREMBLE	OTP-AM ONTP	H-151 H-177 EVANGELOS

This bill establishes the framework for a statewide pension-type program under which "bona fide volunteers" as defined in the United States Internal Revenue Code are paid length of service awards for performing qualified services. "Qualified services" is defined under the United States Internal Revenue Code, Section 457(e)(11) to mean "fire fighting and prevention services, emergency medical services, and ambulance services." Under the program, volunteers have a program account that would be credited with an annual contribution deposited no later than the following July 1st for each year during which the volunteer participated in a minimum required level of volunteer activities set forth by the Maine Length of Service Award Program Board of Trustees established in this bill. Upon the attainment of 65 years of age or after having earned 20 years of service credit before 65 years of age, a volunteer who had attained a vested status in the program by having earned five years of service credit would be paid the contributions credited to that volunteer's program account plus the net investment income earned on those

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contributions. The vested portion of the program account award of a participating volunteer must be paid before the volunteer reaches 65 years of age if the volunteer ceases to perform qualified services for 36 consecutive months. The program account balance of a participating volunteer is also payable before 65 years of age upon death or total and permanent disablement.

This bill authorizes the State, political subdivisions and emergency services providers within the State as well as emergency services volunteers to participate in the funding of this program. Participation in the program funding is optional for any prospective contributor, and the amount contributed may vary from year to year by a contributor based on available funds. If federal funds become available for the program, the program must accept those funds as well.

This bill raises the sales tax on consumer fireworks to 10% and dedicates the revenue from the increase to the program.

Under this bill, the Maine Length of Service Award Program Board of Trustees contracts with private sector firms to provide administration, investment, custodial, trustee and auditing services for the program.

Until the United States Internal Revenue Code is amended to provide that programs under which length of service awards are paid to emergency services volunteers may be treated as United States Internal Revenue Code, Section 457 plans of deferred compensation, the program in this bill must comply with the current applicable sections of the Internal Revenue Code.

Committee Amendment "A" (H-151)

This amendment, which is the majority report of the committee, eliminates the 10% sales tax on consumer fireworks proposed in the bill. The program established in the bill will receive dedicated funding from the State equivalent to 50% of the revenue received from the general sales tax currently imposed on the sale of consumer fireworks as set out in the bill, but the amendment limits this funding to two years.

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

House Amendment "A" To Committee Amendment "A" (H-177)

This amendment amends Committee Amendment "A" to eliminate the dedicated funding from the State. This amendment also strikes the appropriations and allocations section added by the committee amendment. This amendment retains the elimination of the 10% sales tax on the value of consumer fireworks by Committee Amendment "A."

The effect of these changes is to remove all funding for the Maine Length of Service Award Program.

Enacted Law Summary

Public Law 2015, chapter 352 establishes the framework for a statewide pension-type program under which "bona fide volunteers" as defined in the United States Internal Revenue Code are paid length of service awards for performing qualified services. "Qualified services" is defined under the United States Internal Revenue Code, Section 457(e)(11) to mean "fire fighting and prevention services, emergency medical services, and ambulance services." Under the program, volunteers have a program account that would be credited with an annual contribution deposited no later than the following July 1st for each year during which the volunteer participated in a minimum required level of volunteer activities set forth by the Maine Length of Service Award Program Board of Trustees established in this bill. Upon the attainment of 65 years of age or after having earned 20 years of service credit before 65 years of age, a volunteer who had attained a vested status in the program by having earned five years of service credit would be paid the contributions credited to that volunteer's program account plus the net investment income earned on those contributions. The vested portion of the program account award of a participating volunteer must be paid before the volunteer reaches 65 years of age if the volunteer ceases to perform qualified services for 36 consecutive months. The program account balance of a participating volunteer is also

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payable before 65 years of age upon death or total and permanent disablement.

It authorizes the State, political subdivisions and emergency services providers within the State as well as emergency services volunteers to participate in the funding of this program. Participation in the program funding is optional for any prospective contributor, and the amount contributed may vary from year to year by a contributor based on available funds. If federal funds become available for the program, the program must accept those funds as well.

Under this law, the Maine Length of Service Award Program Board of Trustees contracts with private sector firms to provide administration, investment, custodial, trustee and auditing services for the program.

Until the United States Internal Revenue Code is amended to provide that programs under which length of service awards are paid to emergency services volunteers may be treated as United States Internal Revenue Code, Section 457 plans of deferred compensation, the program must comply with the current applicable sections of the Internal Revenue Code.

LD 187 Resolve, To Expand Dental Care in the State by Extending the Pilot Program for Dental Hygienists ONTP

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

Under a pilot project that is scheduled to expire on March 15, 2015, independent practice dental hygienists are allowed to expose and process radiographs in areas of the State that have been designated by the United States Department of Health and Human Services as dental health professional shortage areas. This resolve continues the authority of these independent practice dental hygienists to expose and process radiographs for two more years, except that the authorization applies to the entire State for those additional two years.

LD 188 An Act To Protect Employees from Abusive Work Environments Died Between Houses

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

This bill provides legal relief for employees who have been harmed psychologically, physically or economically by exposure to abusive work environments. Employees and employers who subject an employee to an abusive work environment are liable, and employers are vicariously liable for the abusive workplace conduct of their employees, in a private civil action brought by the affected employee. The legal remedies made available by this bill do not limit any other legal rights of an individual, except that workers' compensation benefits received under the Maine Revised Statutes, Title 39-A for the same injury or illness must be reimbursed from compensation that is earned through the legal remedies made available by this bill.

Committee Amendment "A" (S-101)

This amendment, which is the majority report of the committee, strikes the bill and replaces it with a resolve directing the Department of Labor to study the issue of addressing psychological and physical harm to employees due to abusive work environments and to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development with recommendations and suggested implementing legislation by January 1, 2016. The committee is authorized to report out a bill related to these recommendations in the Second Regular Session of

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

the 127th Legislature.

LD 209 An Act To Support Research and Development at a Marine Field Station ONTP
at the University of Maine at Machias

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

This bill changes the apportionment of the percentage of the Maine Economic Improvement Fund that goes to the University of Maine at Augusta, the University of Maine at Farmington, the University of Maine at Fort Kent, the University of Maine at Machias, the University of Maine at Presque Isle and the Maine Maritime Academy to support research and development by removing the equal apportionment to all of the institutions of a minimum of 3% of the fund. Beginning July 1, 2015, it requires that a minimum of 2% of the fund must be disbursed to the University of Maine at Machias to support a marine field station and a minimum of 1% must be apportioned among the remainder of the institutions.

LD 248 An Act To Provide Flexibility to the Application of the State Prevailing ONTP
Wage and Benefit Rates

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

This bill allows flexibility in the minimum hourly wage and benefit rates for workers employed in the construction of public works by the State or persons contracting with the State by allowing any allocation between hourly wage and benefit rates, as long as the sum of the hourly wage and benefit rates equals the sum of the appropriate hourly wage and benefit rates determined by the Department of Labor, Bureau of Labor Standards.

LD 249 An Act To Enable Seniors To Remain in Their Homes CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-10

This bill establishes the Home Weatherization and Repair for Seniors Program in the Department of Economic and Community Development to assist low-income seniors in remaining in their homes. It also establishes the Home Weatherization and Repair for Seniors Fund and appropriates money to the fund. The department is required to disburse money from the fund to a statewide network that provides weatherization and home repair services, including but not limited to repairs to meet the standards of the federal Americans with Disabilities Act of 1990, to replace substandard fixtures and hardware and to reduce ongoing maintenance and heating costs, to low-income residents of the State.

Committee Amendment "A" (S-10)

This amendment incorporates a fiscal note.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

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LD 250 An Act To Amend the Laws Regarding Dealers in Secondhand Precious Metals ONTP

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

This bill amends the laws regarding dealers in secondhand precious metals by:

1. Including palladium and platinum as precious metals subject to regulation;
2. Allowing a dealer to take one digital photograph of all the items in a transaction, instead of one digital photograph for each item;
3. Eliminating certain types of information that must be recorded by a dealer about each item;
4. Reducing from 15 days to five business days the amount of time a dealer must wait before selling or altering an item of precious metal received by the dealer;
5. Removing a reference to an electronic database designed to catalog stolen property; and
6. Requiring a dealer to register as a precious metals dealer with the municipality in which the dealer will conduct business, instead of requiring the dealer to obtain a permit issued by the municipality.

LD 277 An Act To License Polysomnography ONTP

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

This bill creates a new license category for the practice of polysomnography and establishes the Board of Polysomnography within the Department of Professional and Financial Regulation.

LD 294 An Act To Allow a Home Heating Oil Delivery Driver To Bleed a Home Heating Oil Burner PUBLIC 207

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM ONTP	S-120

This bill allows a home heating oil delivery driver to bleed a home heating oil burner. Current law restricts this practice to apprentice oil burning technicians who are under the direct supervision of a journeyman or master oil burning technician.

Committee Amendment "A" (S-120)

This amendment is the majority report of the committee. It provides that a home heating oil delivery driver may bleed a residential home heating oil burner without direct supervision if the driver has documentation of completion of a training course in bleeding oil burners that has been approved by the Maine Fuel Board.

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Enacted Law Summary

Public Law 2015, chapter 207 provides that a home heating oil delivery driver may bleed a residential home heating oil burner without direct supervision if the driver has documentation of completion of a training course in bleeding oil burners that has been approved by the Maine Fuel Board.

LD 297 An Act To Increase Allowed Investments under the Maine New Markets Capital Investment Program Died Between Houses

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

This bill increases the maximum aggregate amount of qualified equity investments for which the Finance Authority of Maine may issue tax credit authority under the Maine New Markets Capital Investment Program from \$250,000,000 to \$500,000,000.

Committee Amendment "A" (S-294)

This amendment is the majority report of the committee. It replaces the bill and adds an emergency preamble and clause. It makes the following changes to the Maine New Markets Capital Investment Program and the new markets capital investment credit.

1. It adds new definitions of "sham transaction" and "capital at risk."
2. It requires the State Tax Assessor to recapture new markets capital investment credits issued that are determined to be connected with a sham transaction, including fees charged by an entity to an investor, lender or borrower under the Maine New Markets Capital Investment Program under the Maine Revised Statutes, Title 10, section 1100-Z using the tax credit.
3. It eliminates the eligibility of certain refinancing and ownership transfer transactions as qualified low-income community investments for the credit if those transactions exceed 5% of the investment.
4. It allows the Government Oversight Committee to consider whether a review of the Maine New Markets Capital Investment Program and the new markets capital investment credit and all approved investments made under the program since 2011 is warranted. If the Government Oversight Committee determines that a review is warranted, the committee may assign this review to the Office of Program Evaluation and Government Accountability. If a review is performed, the Government Oversight Committee shall provide a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by February 1, 2016. It authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to report out a bill on this topic to the Second Regular Session of the 127th Legislature, whether or not the Joint Standing Committee on Labor, Commerce, Research and Economic Development receives a report from the Government Oversight Committee.
5. It adds an appropriations and allocations section.

Committee Amendment "B" (S-295)

This amendment is the minority report of the committee. The amendment makes the following changes to the Maine New Markets Capital Investment Program.

1. It prohibits a qualified community development entity from collecting more than half of its fees for services under the Maine New Markets Capital Investment Program under the Maine Revised Statutes, Title 10, section

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1100-Z prior to the last credit allowance date.

- 2. It increases the aggregate amount of qualified equity investments for which tax credit authority may be issued from \$250,000,000 to \$500,000,000, phased in at an additional \$50,000,000 per year over five years.
- 3. It increases the maximum amount for an annual tax credit claim from \$20,000,000 to \$40,000,000.
- 4. It eliminates the eligibility of certain refinancing and ownership transfer transactions as qualified low-income community investments for the new markets capital investment credit if those transactions exceed 5% of the investment.
- 5. It provides that the changes made to the definition of "qualified low-income community investment" apply to applications made to the Finance Authority of Maine after the effective date of this legislation.

LD 299 An Act To Protect Children in School Facilities by Requiring Boiler Inspections PUBLIC 311

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL WARD	OTP-AM	S-191 S-303 HAMPER

This bill reestablishes the requirement, eliminated by Public Law 2013, chapter 595, that boilers in schools and boilers owned by municipalities be inspected to ensure their proper performance.

Committee Amendment "A" (S-191)

This amendment removes from the bill the language that subjects boilers owned by municipalities to the State's boiler inspection requirements and removes the requirement in law that boilers be constructed and installed in accordance with rules adopted by the director to be exempt from inspection.

Although this legislation has been identified as a potential state mandate, the State's regulatory oversight of heating boilers and hot water boilers in schools dates back to the 1930's and represents a long-standing safety requirement to ensure the safe operation of boilers in schools, subject only to a brief period of repeal under Public Law 2013, chapter 595.

Senate Amendment "A" To Committee Amendment "A" (S-303)

This amendment adds a mandate preamble.

Enacted Law Summary

Public Law 2015, chapter 311 reestablishes the requirement, eliminated by Public Law 2013, chapter 595, that boilers in schools be inspected to ensure their proper performance.

LD 301 An Act To Improve Insurance Coverage for First Responders Answering a Call to Duty Died Between Houses

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

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This bill creates a rebuttable presumption that a personal injury to a paid or volunteer firefighter or a paid or volunteer emergency medical services person considered an employee within the meaning of the Maine Workers' Compensation Act of 1992 is considered to arise out of and in the course of employment and is compensable under the Act if the personal injury occurs at any time after the firefighter or emergency medical services person receives notice of a fire or emergency and is in the process of responding.

Committee Amendment "A" (S-77)

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

LD 361 An Act To Allow Licensed Dental Professionals To Own Dental Practices Accepted Majority (ONTP) Report

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

This bill clarifies that anyone licensed by the Department of Professional and Financial Regulation, Board of Dental Examiners may be a proprietor of a dental practice.

LD 362 An Act To Require Dentists To Disclose the Cost and Origin of Off-site Laboratory Services ONTP

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

This bill requires that a dentist provide a patient with a written disclosure of the cost and origin of all laboratory services billed to that patient.

LD 372 An Act To Enhance the Promotion of Hunting and Fishing Opportunities in Maine by the Office of Tourism ONTP

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

This bill requires that at least 25% of all advertising by the Department of Economic and Community Development, Office of Tourism must include promotional information related to hunting or fishing.

LD 377 An Act To Continue the Visual and Digital Media Loan Program and the Visual and Digital Media Loan Fund Veto Sustained

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

Current law allows the Commissioner of Economic and Community Development, through the Visual and Digital Media Loan Program, to provide loans to digital media projects or visual media productions of up to \$500,000 per

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project or production. The loans are funded from the Visual and Digital Media Loan Fund, which is maintained by the Finance Authority of Maine. The laws authorizing the Visual and Digital Media Loan Program and the Visual and Digital Media Loan Fund are set to be repealed on December 31, 2015.

This bill delays the repeal of the program and fund until December 31, 2018.

LD 402 Resolve, To Amend Rules Regarding Proof of Ownership of Logging Equipment and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment ONTP

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

This resolve directs the Department of Labor to amend its rule regarding proof of ownership of logging equipment and recruitment by employers employing foreign laborers to operate logging equipment in conformance with the provisionally adopted major substantive rule submitted to the 126th Legislature for review, except that the rule must incorporate the changes that were authorized by the 126th Legislature. The resolve provides that the department is not required to hold hearings prior to adoption of the rule and directs the department to implement the rule using existing resources.

LD 403 An Act To Eliminate the Exception from Minimum Wage Laws for Workers Who Receive Tips ONTP

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

This bill eliminates the “tip credit” provision of Maine’s minimum wage law that allows an employer to offset up to 50% of the minimum wage paid to a service employee who receives tips, provided that the employee receives at least the minimum hourly wage when direct wages and tips are combined.

LD 404 An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions Accepted Majority (ONTP) Report

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

Current law allows a public employer to deduct service fees owed by an employee to a collective bargaining agent pursuant to a lawful collective bargaining agreement. This bill prohibits a public employer from collecting those fees or collecting member dues.

LD 422 An Act To Improve Access to Treatments for Lyme Disease PUBLIC 235

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON JOHNSON	OTP-AM OTP-AM	H-216

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This bill prohibits the Board of Licensure in Medicine from disciplining a physician or revoking or suspending a physician's license for prescribing, administering or dispensing long-term antibiotic therapy to a patient with acute, persistent or chronic Lyme disease if the therapy was pursuant to a treatment plan recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention that considered the patient's individual circumstance or was in the best judgment of the physician with respect to the particular patient or special clinical situation.

Committee Amendment "A" (H-216)

This amendment is the majority report of the committee. It replaces the bill and provides that a licensed physician may prescribe, administer or dispense long-term antibiotic therapy for a therapeutic purpose to eliminate infection or to control a patient's symptoms upon making a clinical diagnosis that the patient has Lyme disease or displays symptoms consistent with a clinical diagnosis of Lyme disease. It requires the clinical diagnosis and treatment to be documented in the patient's medical record by the prescribing licensed physician. The amendment also defines terms, including "Lyme disease."

Committee Amendment "B" (H-217)

This amendment is the minority report of the committee. It replaces the bill with a resolve that directs the Board of Licensure in Medicine, Board of Osteopathic Licensure and the State Board of Nursing to notify their respective licensees that using nontraditional treatments for diseases, including Lyme disease, will not result in disciplinary action based solely upon the use of nontraditional treatment as long as the medical decision-making, the monitoring of the patient's reaction to the specific treatment and the patient's informed consent to the specific treatment are documented in the patient's medical record.

Enacted Law Summary

Public Law 2015, chapter 235 provides that a licensed physician may prescribe, administer or dispense long-term antibiotic therapy for a therapeutic purpose to eliminate infection or to control a patient's symptoms upon making a clinical diagnosis that the patient has Lyme disease or displays symptoms consistent with a clinical diagnosis of Lyme disease. It requires the clinical diagnosis and treatment to be documented in the patient's medical record by the prescribing licensed physician.

LD 429 An Act To Modify the Disbursement from the Maine Economic Improvement Fund

CARRIED OVER

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

This bill changes the apportionment of the percentage of the Maine Economic Improvement Fund that goes to the University of Maine at Augusta, the University of Maine at Farmington, the University of Maine at Fort Kent, the University of Maine at Machias, the University of Maine at Presque Isle and the Maine Maritime Academy to support applied research and development by removing the apportionment to all institutions of a minimum of 3% of the fund and instead requiring a minimum of 2% of the fund to be disbursed to the University of Maine at Machias to support applied marine research and development at that university's marine field station and a minimum of 1% to be apportioned among the remainder of the institutions.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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LD 443 An Act To Help Stabilize Homeless Shelters and Shelters for Victims of Human Trafficking in Maine Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MARTIN J	OTP-AM ONTP	S-273

This bill provides ongoing General Fund appropriations of \$3,500,000 per year beginning in fiscal year 2015-16 to the Maine State Housing Authority to increase funding for homeless shelters.

Committee Amendment "A" (S-273)

This amendment is the majority report of the committee. It allocates \$100,000 for the rehabilitation and operating costs of a building to be used as a shelter for victims of human trafficking and it allocates \$150,000 in fiscal year 2015-16 and in fiscal year 2016-17 for the operating costs of a shelter for victims of human trafficking. It also reduces the ongoing funding proposed in the bill for homeless shelters from \$3,500,000 to \$2,000,000 per year.

LD 445 An Act Regarding the Sick Days of an Employee Who Is Terminated While on Sick Leave Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME	OTP-AM ONTP	S-78

This bill requires an employer who terminates the employment of an employee while that employee is out on compensated sick leave to compensate that employee for all accrued sick leave.

Committee Amendment "A" (S-78)

This amendment, which is the majority report of the committee, adds an appropriations and allocations section to the bill.

LD 447 An Act To Repeal Outdated Statutory Sections Relating to Regional Ride Share Programs PUBLIC 43

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

This bill repeals outdated statutory sections related to regional ride share programs.

Enacted Law Summary

Public Law 2015, chapter 43 repeals outdated statutory sections related to regional ride share programs.

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LD 486 An Act To Require Adequate Rest Breaks for Employees ONTP

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

This bill repeals a provision of law exempting businesses with fewer than three employees on duty at any one time, when the nature of the work allows for frequent breaks, from having to provide employees 30-minute breaks for every six hours worked.

LD 487 An Act To Provide for an Increase in the Minimum Wage ONTP

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

This bill raises the minimum wage to \$8.00 per hour beginning October 1, 2015, \$9.00 per hour beginning January 1, 2017 and \$10.00 per hour beginning January 1, 2018, and it requires the minimum hourly wage to be adjusted for inflation on January 1st of each year, beginning January 1, 2019.

LD 488 An Act To Expand the Scope of Practice for Denturists PUBLIC 155

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW	OTP-AM	H-130 H-169 HERBIG

This bill allows denturists to take x-rays and fit any removable dental prostheses, with the exception of orthodontic appliances.

Committee Amendment "A" (H-130)

This amendment removes provisions of the bill that allow denturists to take x-rays and fit removable prostheses, with the exception of orthodontic appliances, and instead authorizes a licensed denturist to make, place and repair nonorthodontic removable sports mouth guards and provide teeth whitening services.

House Amendment "A" (H-169)

This amendment removes the provision in the bill that provides that the Maine Revised Statutes, Title 32, chapter 16 does not apply to practice by a licensed denturist and it removes the provision in current law that provides that Title 32, chapter 16 does not apply to practice by an independent practice dental hygienist. This amendment provides that practice by a licensed independent practice dental hygienist or a licensed denturist is not a violation of the laws governing the licensing of dentists.

Enacted Law Summary

Public Law 2015, chapter 155 authorizes a licensed denturist to make, place and repair nonorthodontic removable sports mouth guards and provide teeth whitening services. The law also makes a technical statutory correction that clarifies that practice by a licensed independent practice dental hygienist or a licensed denturist is not a violation of the laws governing the licensing of dentists.

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**LD 489 An Act To Ensure the Right To Work without Payment of Dues or Fees
to a Labor Union as a Condition of Employment Accepted Majority
(ONTP) Report**

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

This bill prohibits a person from being required to join a labor organization or pay any labor organization dues or fees as a condition of employment or continuation of employment, notwithstanding any state law to the contrary. A violation is a Class D crime and is also subject to civil damages and injunctive relief. The Attorney General is responsible for enforcement and is required to prosecute all violations.

Committee Amendment "A" (H-367)

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

**LD 530 An Act To Improve Public Sector Collective Bargaining Laws Died Between
Houses**

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

This bill amends the municipal public employees labor relations laws by requiring that all collective bargaining negotiation meetings include a member of the body with final authority to approve the collective bargaining agreement.

**LD 540 An Act To Improve Access to Dental Care through the Establishment of
the Maine Board of Oral Health Accepted Majority
(ONTP) Report**

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

This bill amends the laws governing the Board of Dental Examiners.

1. It renames the board the Maine Board of Oral Health, and it reassigns the membership of the board to give equitable representation to the regulated dental professions and adds additional public members. As changed, the board has nine members: two dentists, two dental hygienists, two denturists and three public members.
2. It changes the duties, functions and responsibilities of the board. The board's major roles are to perform administrative duties as a coordinating body for the board's subcommittees and to advise the subcommittees and ratify and carry out the recommendations of the subcommittees including with respect to rules recommended by the subcommittees.
3. It amends the laws governing the board's subcommittees on denturists and dental hygienists and establishes a new subcommittee on dentists. It defines the membership for each subcommittee and its duties, functions and responsibilities.

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Committee Amendment "A" (H-138)

This amendment is the minority report of the committee. The amendment adds an appropriations and allocations section.

LD 562 An Act To Protect Casino Workers ONTP

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

This bill requires a licensed gambling establishment to provide its service employees that receive tips a detailed accounting of all tip revenue collected by the employer and the distribution of that revenue.

**LD 586 An Act To Amend the Maine Economic Development Venture Capital
Revolving Investment Program PUBLIC 47**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING HERBIG	OTP-AM	S-26

This bill allows the Finance Authority of Maine to transfer uncommitted balances within the Maine Economic Development Venture Capital Revolving Investment Program Fund to the Economic Recovery Program Fund, which is also administered by the Finance Authority of Maine.

Committee Amendment "A" (S-26)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 47 allows the Finance Authority of Maine to transfer uncommitted balances within the Maine Economic Development Venture Capital Revolving Investment Program Fund to the Economic Recovery Program Fund, which is also administered by the Finance Authority of Maine.

**LD 587 An Act Regarding Contract Indemnification Died Between
Houses**

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

This bill prohibits certain indemnification agreements, including those by which a promisee requires a contracting party to indemnify the promisee from the promisee's own negligence or willful misconduct.

Committee Amendment "A" (S-94)

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

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LD 612 An Act To Require a Large Employer To Provide a Paper Paystub upon Request from an Employee ONTP

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

This bill requires an employer with more than 50 employees to provide upon request to an employee a paper receipt of wages for a pay period.

LD 613 An Act To Allow Certain Businesses To Be Open on Easter Day, Thanksgiving Day and Christmas Day Accepted Majority (ONTP) Report

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

Current law prohibits stores with more than 5,000 square feet of interior customer selling space from being open on Easter Day, Thanksgiving Day and Christmas Day. This bill prohibits stores with more than 10,000 square feet of interior customer selling space from being open on Easter Day, Thanksgiving Day and Christmas Day but allows such a store to be open on those holidays if the store is operated and staffed only by the owner or an immediate family member of the owner.

LD 671 An Act To Allow Independent Practice Dental Hygienists To Take X-rays ONTP

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

Under a pilot project that is scheduled to expire on March 15, 2015, independent practice dental hygienists are allowed to expose and process radiographs in areas of the State that have been designated by the United States Department of Health and Human Services as dental health professional shortage areas. This bill continues the authority of these independent practice dental hygienists to expose and process radiographs indefinitely, under the same restrictions as imposed under the pilot project, except that the authorization applies in the entire State.

LD 672 An Act To Improve Access to Capital PUBLIC 38

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG VOLK	OTP-AM	H-58

This bill, which takes effect only upon the receipt by the Finance Authority of Maine Loan Insurance Reserve Fund of an appropriation, general obligation bond funding or other funding in the amount of at least \$37,000,000, increases the maximum loan insurance amount available through the Finance Authority of Maine from \$7,000,000 to \$10,000,000.

Committee Amendment "A" (H-58)

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This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 38 increases the maximum loan insurance amount available through the Finance Authority of Maine from \$7,000,000 to \$10,000,000. This provision takes effect only upon the receipt by the Finance Authority of Maine Loan Insurance Reserve Fund of an appropriation, general obligation bond funding or other funding in the amount of at least \$37,000,000.

LD 673 An Act To Help Prevent Age Discrimination ONTP

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

This bill prohibits an employer or an agent of an employer from including on a job application form a question that asks for the year of an applicant's high school graduation. The Department of Labor, Bureau of Labor Standards shall enforce the law with a fine of up to \$500 per violation.

LD 674 An Act To Support Maine's Working Families CARRIED OVER

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

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

This bill proposes to explore proactive strategies to raise wages in this State, improve working conditions, increase predictability of scheduling and improve the overall economic security of working people in this State.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 675 An Act To Protect Earned Pay Died Between Houses

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

Under the current law, a person who receives or is scheduled to receive remuneration in the form of vacation pay in excess of four weeks' wages or holiday pay is disqualified from receiving unemployment benefits for the week that remuneration is due. This bill removes those disqualifications.

Committee Amendment "A" (H-215)

This amendment, which is the majority report of the committee, retains the offset eliminated in the bill for unemployment compensation benefits for holiday pay and vacation pay as specified in current law, but limits the offset for vacation pay to vacation pay in excess of 12 weeks instead of four weeks as under current law. The amendment also adds an appropriations and allocations section.

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LD 690 An Act To Ensure the Safety of Home Birth

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. The purpose of this bill is to ensure the safety of women who choose to give birth at home or in freestanding birthing centers attended by certified professional midwives.

It proposes to license and regulate certified professional midwives practicing in Maine as follows.

1. It provides criteria for licensure and oversight of certified professional midwives.
2. It establishes a regulatory body including certified professional midwives, clients, certified nurse midwives and physicians to oversee complaint and disciplinary processes.
3. It establishes procedures to allow other health care providers to consult with, collaborate with or accept transfer of care from a licensed certified professional midwife.
4. It includes procedures to allow for protected peer review for licensed certified professional midwives.
5. It provides requirements for data collection and submission for quality improvement purposes.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 698 An Act To Establish a Presumption of Impairment in the Line of Duty for Corrections Officers under the Workers' Compensation Laws

ONTP

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

This bill amends the workers' compensation laws by adding a presumption that heart disease or hypertension suffered by a corrections officer was caused in the course of employment as a corrections officer, similar to the provisions presuming that cancer contracted by a firefighter was caused by exposure to carcinogens through firefighting duties.

LD 699 An Act To Update Maine Law To Conform to New Federal Occupational Safety and Health Administration Regulations

**PUBLIC 138
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG VOLK	OTP-AM ONTP	H-132

This bill ensures that the Department of Labor, Bureau of Labor Standards is in compliance with recent changes made by the federal Occupational Safety and Health Administration to its injury and illness recordkeeping requirements. The federal Occupational Safety and Health Administration requires state plan states to implement these changes to conform to the new requirements no later than July 1, 2015, or risk a loss of federal reimbursement.

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Under current law, a person in charge of a workplace is required to report in writing or by telephone to the Director of the Bureau of Labor Standards the death of any person in the workplace or a serious physical injury requiring hospitalization sustained by a person in the workplace. This bill replaces the requirement to report in writing or by telephone with a requirement to report by telephone or electronically and provides that the report may be made to the director or the director's designee. It amends the definition of "serious physical injury." It also authorizes the director and any authorized agent of the bureau to enter a public sector workplace for the purpose of examining the safety and health of employees.

Committee Amendment "A" (H-132)

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

Enacted Law Summary

Public Law 2015, chapter 138 ensures that the Department of Labor, Bureau of Labor Standards is in compliance with recent changes made by the federal Occupational Safety and Health Administration to its injury and illness recordkeeping requirements. The federal Occupational Safety and Health Administration requires state plan states to implement these changes to conform to the new requirements no later than July 1, 2015, or risk a loss of federal reimbursement.

Under current law, a person in charge of a workplace is required to report in writing or by telephone to the Director of the Bureau of Labor Standards the death of any person in the workplace or a serious physical injury requiring hospitalization sustained by a person in the workplace. Chapter 138 replaces the requirement to report in writing or by telephone with a requirement to report by telephone or electronically and provides that the report may be made to the director or the director's designee. It amends the definition of "serious physical injury." It also authorizes the director and any authorized agent of the bureau to enter a public sector workplace for the purpose of examining the safety and health of employees.

Public Law 2015, chapter 138 was enacted as an emergency measure effective June 3, 2015.

LD 700 An Act Regarding the Industry Partnership Assistance Collaborative's Grant Program

PUBLIC 156

Sponsor(s)

HERBIG
VOLK

Committee Report

OTP

Amendments Adopted

This bill changes the laws governing the Office of the Governor, Industry Partnership Assistance Collaborative's grant program. It changes eligibility requirements for the grant program by reducing the grant program's required private sector matching funding from 50% to 25% and allowing the collaborative discretion to exempt businesses with fewer than 25 employees from the matching funding requirement.

Enacted Law Summary

Public Law 2015, chapter 156 changes the laws governing the Office of the Governor, Industry Partnership Assistance Collaborative's grant program. It changes eligibility requirements for the grant program by reducing the grant program's required private sector matching funding from 50% to 25% and allowing the collaborative discretion to exempt businesses with fewer than 25 employees from the matching funding requirement.

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LD 701 An Act To Modify Unemployment Insurance Successor Law

PUBLIC 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG VOLK	OTP-AM ONTP	H-120

This bill changes the treatment of unemployment contribution rate assignment in successor transactions. In cases when the successor is a newly established employer, and when no substantial common ownership, management or control exists between the purchaser and the predecessor, the successor may opt to retain the predecessor's rate or be assigned the average contribution rate, whichever is lower. In such cases when the successor is an established employer with an existing contribution experience rate, the successor may choose to retain this rate or inherit the experience rate of the purchased business blended with the successor's existing rate to form a new experience rate, whichever is more favorable.

Committee Amendment "A" (H-120)

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

Enacted Law Summary

Public Law 2015, chapter 107 changes the treatment of unemployment contribution rate assignment in successor transactions. In cases when the successor is a newly established employer, and when no substantial common ownership, management or control exists between the purchaser and the predecessor, the successor may opt to retain the predecessor's rate or be assigned the average contribution rate, whichever is lower. In such cases when the successor is an established employer with an existing contribution experience rate, the successor may choose to retain this rate or inherit the experience rate of the purchased business blended with the successor's existing rate to form a new experience rate, whichever is more favorable.

LD 702 An Act To Clarify Filing Methods for Quarterly Payroll Reports

PUBLIC 39

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

This bill allows for employers to file separate quarterly state withholding and unemployment tax forms electronically. It also renames the combined unemployment insurance contributions and income tax withholding account within the Unemployment Compensation Fund administered by the Commissioner of Labor the tax deposit account.

Enacted Law Summary

Public Law 2015, chapter 39 allows for employers to file separate quarterly state withholding and unemployment tax forms electronically. It also renames the combined unemployment insurance contributions and income tax withholding account within the Unemployment Compensation Fund administered by the Commissioner of Labor the tax deposit account.

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LD 717 An Act To Establish the Maine Paid Family Leave Insurance Program Leave to Withdraw Pursuant to Joint Rule

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

This bill creates the Maine Paid Family Leave Insurance Program to provide wage-replacement benefits to persons who qualify for family medical leave. The program is funded by employee contributions and provides two-thirds of the employee's average weekly wage for up to six weeks. Employee contributions are collected on a sliding scale based on wages.

LD 739 Resolve, To Establish a Working Group To Evaluate the Benefits and Detriments of Increasing the Minimum Wage ONTP

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

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

This resolve proposes to establish a working group to evaluate the benefits and detriments of increasing the minimum wage.

LD 757 An Act To Limit the Amount That May Be Retained on Construction Contracts Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER THIBODEAU	OTP-AM ONTP	H-238

This bill limits the amount of money that may be retained under a construction contract, pending the completion of contractor or subcontractor performance, to 5% of the contract price.

Committee Amendment "A" (H-238)

This amendment is the majority report of the committee. It provides that the limit in the bill for the amount that may be retained under a construction contract applies only to private contracts and not to contracts entered into by governmental entities. It also specifies that the provision applies to contracts entered into on or after the effective date of the legislation.

LD 758 An Act To Clarify the Definition of "Personal Sports Mobile" for Purposes of the Laws Governing Personal Sports Mobile Dealerships ONTP

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

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The purpose of this bill is to eliminate any confusion that may exist under the Personal Sports Mobile Business Practices Act regarding whether the definition of "personal sports mobile," which includes all-terrain vehicles, also includes so-called side-by-sides for purposes of allowing side-by-sides to be sold by personal sports mobile dealers. This bill amends the definition of "personal sports mobile" to specifically include a side-by-side, which is a recreational off-road vehicle that features side-by-side seating for at least two persons, a steering wheel and a roll bar.

LD 767 An Act To Create Jobs in Aroostook and Washington Counties

PUBLIC 368

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCELWEE EDGECOMB P	OTP-AM	H-302 H-497 MARTIN J

This bill provides an exception to the Pine Tree Development Zone program employee income requirements for call centers located in Aroostook and Washington counties.

Committee Amendment "A" (H-302)

This amendment removes the provision in the bill that proposes to exempt call centers located in Aroostook and Washington counties from the Pine Tree Development Zone program employee income requirements. It also removes the aggregate weekly employment hours threshold from the definition of "call center."

House Amendment "B" To Committee Amendment "A" (H-497)

Current law requires that a qualified employee in a Pine Tree Development Zone or under the Maine Employment Tax Increment Financing Act be paid a wage greater than the annual per capita personal income in the county in which the qualified employee is employed. This amendment changes this requirement to require that such an employee in a call center in Aroostook County or Washington County be paid a weekly wage greater than the average weekly wage in certain counties. With respect to employees in call centers in Aroostook and Washington counties, in a county in which the average annual unemployment rate is greater than the state average, this wage threshold is 90 percent of the average weekly wage in certain counties. Upon approval of the Commissioner of Economic and Community Development, a qualified business qualifies for a phase-in of this wage threshold.

Enacted Law Summary

Public Law 2015, chapter 368 provides an exception to the Pine Tree Development Zone program employee income requirements for call centers located in Aroostook and Washington counties. Upon approval of the Commissioner of Economic and Community Development, a qualified business qualifies for a phase-in of this wage threshold.

LD 768 An Act To Create a Public Option Pension System

ONTP

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

This bill establishes the Maine Secure Choice Retirement Savings Trust within the Department of Labor and does the following.

1. It requires eligible employers to offer a payroll deposit retirement savings arrangement so that eligible employees can contribute a portion of their salary or wages to a retirement savings program account in the Maine Secure Choice Retirement Savings Program, also created by the bill.

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2. It requires an eligible employee to participate in the Maine Secure Choice Retirement Savings Program, unless the employee specifically opts out of the program. The Bureau of Labor Standards within the department is required to provide forms to employers for employees to opt out of the program.
3. It creates the seven-member Maine Secure Choice Retirement Savings Investment Board to administer the trust.
4. It specifies risk management and investment policies that the board must follow in administering the program.
5. It requires a specific percentage of the annual salary or wages of an eligible employee participating in the program to be deposited in the trust, which is divided into a program fund and an administrative fund. It authorizes the board to establish a gain and loss revenue account within the program fund.
6. It requires the board, contingent upon sufficient interest and funding by vendors, to establish a retirement investment clearinghouse on its publicly accessible website and a vendor registration process through which information about employer-sponsored retirement plans and payroll deposit individual retirement accounts and annuities offered by private sector providers is available for consideration by eligible employers.
7. It requires the Department of Labor, Bureau of Labor Standards to assess a penalty on an eligible employer that fails to make the program available to eligible employees.
8. It provides that the State has no liability for the payment of benefits under the program.
9. It directs the board to conduct a market analysis to determine whether the necessary conditions needed to implement the provisions of the trust can be achieved. The analysis may be conducted only when sufficient funding from the nonprofit or private sector or from the State or Federal Government is available. The provisions of the bill establishing the Maine Secure Choice Retirement Savings Investment Board and the trust are repealed December 31, 2017 unless the board reports to the Legislature the board's determination, through the market analysis, that those provisions of the trust are self-sustaining and that funds exist to allow the board to implement the program until sufficient funds become available to make it self-sustaining and the Legislature takes action based on the board's determination. It requires the board to ensure that insurance, annuity or other funding mechanisms are in place to protect the value of individuals' accounts.
10. It prevents the board from implementing the trust if the individual retirement account arrangements offered fail to qualify for favorable federal income tax treatment ordinarily accorded to individual retirement accounts under the Internal Revenue Code or if the program is determined to be an employee benefit plan under the federal Employee Retirement Income Security Act of 1974.

LD 803 Resolve, To Establish the Task Force To Develop Strategies To Protect ONTP
Towns

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

This resolve creates the Task Force To Develop Strategies To Protect Towns. The task force will examine ways of assisting municipalities in developing and strengthening their commercial bases. The task force is required to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

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LD 814 An Act To Update the Maine Veterinary Practice Act

PUBLIC 209

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL BLACK	OTP-AM	S-116

This bill makes the following changes to the Maine Veterinary Practice Act.

1. It amends the legislative findings section to update the language.
2. It changes the designation of "animal health assistant" to "veterinary assistant" and fixes cross-references.
3. It defines "patient" as an animal or group of animals examined or treated by a veterinarian.
4. It amends the definition of "practice of veterinary medicine."
5. It establishes a definition of "practice of veterinary technology."
6. Currently, veterinary technicians are registered under state law; this bill requires that veterinary technicians be licensed and fixes cross-references.
7. It eliminates the Maine State Board of Veterinary Medicine's authority to issue a temporary permit to a qualified applicant for a veterinary license pending examination, and it authorizes a licensed veterinarian or a licensed veterinary technician to practice for no more than 30 days in the State upon the request of the state veterinarian.
8. It requires that, in order to take the licensing examination for veterinary technicians, the applicant must have completed the professional education requirements for licensure or be within the final six months of professional study in an approved program of education.
9. It removes the prohibition against a veterinarian's association for the joint practice of veterinary medicine with any person, corporation or partnership not licensed to practice veterinary medicine.
10. It updates language outlining the duties of licensed veterinary technicians and veterinary assistants.

Committee Amendment "A" (S-116)

This amendment clarifies that a veterinarian and veterinary technician licensed in another state may practice in the State for a period not to exceed 30 days without a state license or permit only in emergency situations as determined by the state veterinarian. It also adds a Good Samaritan exception for a licensed veterinarian who in good faith renders emergency care to a patient without being able to establish a veterinarian-client-patient relationship when the veterinarian cannot identify the client. Finally, it makes a technical correction in the section of the bill governing the practice of veterinary technology.

Enacted Law Summary

Public Law 2015, chapter 209 makes the following changes to the Maine Veterinary Practice Act.

1. It amends the legislative findings section to update the language.
2. It changes the designation of "animal health assistant" to "veterinary assistant" and fixes cross-references.
3. It defines "patient" as an animal or group of animals examined or treated by a veterinarian.

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4. It amends the definition of "practice of veterinary medicine."
5. It establishes a definition of "practice of veterinary technology."
6. It requires that veterinary technicians be licensed and fixes cross-references.
7. It eliminates the Maine State Board of Veterinary Medicine's authority to issue a temporary permit to a qualified applicant for a veterinary license pending examination. It authorizes a licensed veterinarian or a licensed veterinary technician to practice for no more than 30 days in the State only in emergency situations as determined by the state veterinarian, provided that the veterinarian or veterinary technician is licensed in another state.
8. It requires that, in order to take the licensing examination for veterinary technicians, the applicant must have completed the professional education requirements for licensure or be within the final six months of professional study in an approved program of education.
9. It removes the prohibition against a veterinarian's association for the joint practice of veterinary medicine with any person, corporation or partnership not licensed to practice veterinary medicine.
10. It updates language outlining the duties of licensed veterinary technicians and veterinary assistants.
11. It includes a Good Samaritan exception for a licensed veterinarian who in good faith renders emergency care to a patient without being able to establish a veterinarian-client-patient relationship when the veterinarian cannot identify the client.

LD 830 An Act To Eliminate the Dual Licensing of Physician Assistants

PUBLIC 242

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO PATRICK	OTP-AM	H-362

This bill is a concept draft pursuant to Joint Rule 208. It proposes to reduce the regulatory burden on a physician assistant who is currently required to be licensed by both the Board of Licensure in Medicine and the Board of Osteopathic Licensure if that physician assistant is supervised by both allopathic and osteopathic physicians. The bill proposes to require one of the physician licensing boards to issue all the licenses needed by a physician assistant, regardless of which board licenses the supervising physician.

Committee Amendment "A" (H-362)

This amendment replaces the bill and establishes a licensing process for physician assistants by which a qualified applicant may apply for licensure by the board that licenses the applicant's supervising physician, if known. If the applicant does not identify a supervising physician, the applicant may apply to either the Board of Osteopathic Licensure or the Board of Licensure in Medicine. An applicant for physician assistant licensure may be issued a license by only one of the boards, but may practice under the supervision of either an osteopathic physician or an allopathic physician. The amendment allows both boards to jointly adopt rules governing the licensure of physician assistants.

Enacted Law Summary

Public Law 2015, chapter 242 establishes a licensing process for physician assistants by which a qualified applicant may apply for licensure by the board that licenses the applicant's supervising physician, if known. If the applicant does not identify a supervising physician, the applicant may apply to either the Board of Osteopathic Licensure or the Board of Licensure in Medicine. An applicant for physician assistant licensure may be issued a license by only

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one of the boards, but may practice under the supervision of either an osteopathic physician or an allopathic physician. Chapter 242 allows both boards to jointly adopt rules governing the licensure of physician assistants.

LD 834 An Act To Clarify the Use of "M.D." To Represent Achievement of a Graduate Degree by an Individual Not Licensed To Practice Medicine in Maine **PUBLIC 270**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON GRATWICK	OTP-AM ONTP	H-350

The bill enables an individual who has earned the graduate degree Doctor of Medicine to use the letters "Dr." or "M.D." prefixed or appended to that individual's name, so long as the individual is not representing to the public that the individual is licensed and authorized to practice medicine in the State.

Committee Amendment "A" (H-350)

This amendment is the majority report of the committee. It allows a person who has received the doctor's degree from a reputable college or university to append the letters "M.D." to that person's name, if that person is not engaged in the practice of medicine or surgery, as long as that person's license to practice has never been revoked by the Board of Licensure in Medicine.

Enacted Law Summary

Public Law 2015, chapter 270 allows a person who has received the degree "Doctor of Medicine" from a reputable college or university but who is not engaged in the practice of medicine or surgery or the treatment of a disease or human ailment, to append the letters "M.D." to that person's name, as long as that person's license to practice has never been revoked by the Board of Licensure in Medicine.

LD 843 An Act To Raise the Minimum Wage and Index It to the National Average Wage **ONTP**

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

This bill raises the minimum wage incrementally until it is \$12.00 per hour starting October 1, 2019, and it requires the minimum wage to be adjusted based on the increase in the national average wage index, starting October 1, 2020. It also reduces the tip credit incrementally until it is eliminated starting October 1, 2019.

LD 847 An Act To Permit Hair Braiding without a Barbering or Cosmetology License **PUBLIC 132
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL ROTUNDO	OTP-AM	S-82

This bill exempts hair braiding from licensure under the laws governing barbering and cosmetology.

Committee Amendment "A" (S-82)

This amendment adds an emergency preamble and emergency clause to the bill. It also strikes provisions in the bill

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that exclude the practice of hair braiding from the practices of barbering, limited barbering and cosmetology. It retains the provision that allows a person who provides only hair braiding services to be exempt from barbering and cosmetology licensure requirements.

Enacted Law Summary

Public Law 2015, chapter 132 exempts hair braiding from licensure under the laws governing barbering and cosmetology.

Public Law 2015, chapter 132 was enacted as an emergency measure effective June 2, 2015.

LD 855 An Act To Allow Grocery Stores under 10,000 Square Feet To Be Open on Sundays Died Between Houses

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

This bill exempts grocery stores that have no more than 10,000 square feet of interior customer selling space, excluding back room storage, office and processing space, from the law prohibiting a place of business from being open on Sundays.

LD 856 An Act To Amend the Competitive Skills Scholarship Program To Allow for Participation in Early College and Career and Technical Education Programs PUBLIC 257

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY WARD	OTP-AM	S-224

This bill expands the Competitive Skills Scholarship Program to include participants who are under 18 years of age if they are full-time secondary students at a public secondary school and enrolled in a career and technical education program at a career and technical education center or a career and technical education region and:

1. Do not have a marketable postsecondary degree;
2. Have income less than 200% of the federal poverty level; and
3. Are applying for education or training for a job in an approved industry.

The bill also directs the Commissioner of Labor to transfer funds from the Competitive Skills Scholarship Fund to cover postsecondary education expenses for secondary students in a dual enrollment career and technical education program established pursuant to statute, also known as a "Bridge Year Program."

The provisions in the bill are repealed on January 1, 2021.

Committee Amendment "A" (S-224)

This amendment strikes and replaces the bill. Like the bill, the amendment expands the Competitive Skills Scholarship Program to include participants who are under 18 years of age if they are full-time students at a public secondary school and enrolled in a career and technical education program at a career and technical education center or a career and technical education region. The amendment requires these participants to meet the other

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eligibility criteria of the program, which require that participants:

1. Not have a marketable postsecondary degree;
2. Have family income less than 200% of the federal poverty level;
3. Be applying for education or training for a job in an approved industry; and
4. Have the aptitude to undertake and complete education or training as determined by the institution providing the education or training.

The amendment caps program expenditures for these students, including administrative and case management costs and the costs for these students if they continue in the program after reaching 18 years of age, at 15% of the annual revenue of the Competitive Skills Scholarship Fund.

The amendment provides that these provisions are repealed January 1, 2020.

The Department of Labor must submit a report to the Legislature regarding these changes to the Competitive Skills Scholarship Program, and the joint standing committee of the Legislature having jurisdiction over workforce training matters is authorized to report out a bill to the First Regular Session of the 129th Legislature.

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

Enacted Law Summary

Public Law 2015, chapter 257 expands the Competitive Skills Scholarship Program to include participants who are under 18 years of age if they are full-time students at a public secondary school and enrolled in a career and technical education program at a career and technical education center or a career and technical education region. It requires these participants to meet the other eligibility criteria of the program, which require that participants:

1. Not have a marketable postsecondary degree;
2. Have family income less than 200% of the federal poverty level;
3. Be applying for education or training for a job in an approved industry; and
4. Have the aptitude to undertake and complete education or training as determined by the institution providing the education or training.

It caps program expenditures for these students, including administrative and case management costs and the costs for these students if they continue in the program after reaching 18 years of age, at 15% of the annual revenue of the Competitive Skills Scholarship Fund.

It also provides that these provisions are repealed January 1, 2020.

The Department of Labor must submit a report to the Legislature regarding these changes to the Competitive Skills Scholarship Program, and the joint standing committee of the Legislature having jurisdiction over workforce training matters is authorized to report out a bill to the First Regular Session of the 129th Legislature.

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LD 869 An Act To Allow Dealers of Antique Autos To Be Open and Operate on ONTP
Sundays

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

This bill exempts from the law prohibiting the sale of motor vehicles on Sunday the sale of antique autos by antique auto dealers.

**LD 894 An Act Relating to Automatic Contract Renewals Accepted Majority
(ONTP) Report**

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

This bill requires any entity who sells or provides services through an automatic renewal contract to disclose to the consumer the automatic renewal clause clearly and conspicuously in the contract, including the cancellation procedure. The bill also requires that written notice be provided to the consumer no fewer than 30 days and no more than 60 days before the cancellation deadline pursuant to the automatic renewal clause.

Committee Amendment "A" (H-184)

This amendment is the minority report of the committee. It excludes entities licensed or regulated under the Maine Revised Statutes, Title 24 or 24-A from regulation under the Automatic Contract Renewal Act enacted by the bill.

LD 895 Resolve, Directing the Real Estate Commission To Convene a Veto Sustained
Stakeholder Group on Real Estate Licensure Requirements

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT CUSHING	OTP-AM	H-256

This resolve establishes the Advisory Committee on Real Estate License Law to study establishing a clearinghouse to track continuing education classes and a 100-hour program of study for real estate sales agents.

Committee Amendment "A" (H-256)

This amendment replaces the resolve. It requires the Department of Professional and Financial Regulation, Real Estate Commission to convene a stakeholder group to review the State's real estate sales agent licensure requirements to determine if additional sales agent course hours are necessary to provide for an increase in the standard of demonstrated proficiency in this industry and to review the process for establishing a clearinghouse to track continuing education classes taken by real estate sales agents. The Real Estate Commission is required to submit a report with any recommended legislation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. Finally, the amendment authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to submit a bill on the subject matter of the report to the Second Regular Session of the 127th Legislature.

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LD 914 An Act To Amend the Public Accountancy Laws

PUBLIC 110

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

This bill amends definitions under Maine's accountancy laws and makes conforming changes to the accountancy laws regarding attest services to reflect the most recent version of the American Institute of Certified Public Accountants and National Association of State Boards of Accountancy Uniform Accountancy Act.

Enacted Law Summary

Public Law 2015, chapter 110 amends definitions under Maine's accountancy laws and makes conforming changes to the accountancy laws regarding attest services to reflect the most recent version of the American Institute of Certified Public Accountants and National Association of State Boards of Accountancy Uniform Accountancy Act.

LD 918 An Act To Allow Licensed Independent Practice Dental Hygienists To Expose and Process Radiographs under Protocols Developed by the Board of Dental Examiners

**PUBLIC 2
EMERGENCY**

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

This bill is reported out by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to joint order, S.P. 306. Under a pilot project that was scheduled to expire on March 15, 2015, independent practice dental hygienists were allowed to expose and process radiographs in areas of the State that have been designated by the United States Department of Health and Human Services as dental health professional shortage areas.

This bill continues the authority of these independent practice dental hygienists to expose and process radiographs indefinitely, under the same restrictions as imposed under the pilot project, except that the authorization applies statewide. This bill requires the Department of Professional and Financial Regulation, Board of Dental Examiners to adopt routine technical rules by July 30, 2015 for the administration of this authorization. Prior to the adoption of rules, the rules that are in effect for the pilot project apply to independent practice dental hygienists who are authorized pursuant to this legislation to expose and process radiographs, except that the provisions of the rule limiting the authorization to dental health professional shortage areas and requiring an independent practice dental hygienist to notify the board of the intent to expose and process radiographs do not apply. Finally, this law repeals the resolve that created the pilot project, effective on the same day as this legislation.

Enacted Law Summary

Public Law 2015, chapter 2 continues the authority of independent practice dental hygienists to expose and process radiographs indefinitely, under the same restrictions as imposed under a previously authorized pilot project, except that the authorization applies statewide. The law requires the Department of Professional and Financial Regulation, Board of Dental Examiners to adopt routine technical rules by July 30, 2015 for the administration of this authorization. Prior to the adoption of rules, the rules that are in effect for the pilot project apply to independent practice dental hygienists who are authorized pursuant to this legislation to expose and process radiographs, except that the provisions of the rule limiting the authorization to dental health professional shortage areas and requiring an independent practice dental hygienist to notify the board of the intent to expose and process radiographs do not apply. Finally, this law repeals the resolve that created the pilot project, effective on the same day as this

legislation.

Public Law 2015, chapter 2 was enacted as an emergency measure effective March 13, 2015.

LD 921 An Act To Strengthen the Right of a Victim of Sexual Assault or Domestic Violence To Take Necessary Leave from Employment and To Promote Employee Social Media Privacy PUBLIC 343

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY	OTP-AM OTP-AM	H-240 S-323 HAMPER

This bill expands the law creating the right to a leave of absence for employees who are victims of violence by requiring that a returning employee be placed in the employee's former employment position or a position of equivalent employment status. The bill prohibits discrimination or retaliation against an employee for exercising the right to take a leave of absence or enforcing the provisions of the law and creates a private right of action to enforce the law, and to seek injunctive or equitable relief and compensatory damages.

Committee Amendment "A" (H-239)

This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

Committee Amendment "B" (H-240)

This amendment, which is the minority report of the committee, strikes the bill and replaces it with changes to the penalties that may be assessed for violations of the employment leave for victims of violence law, as follows.

1. It increases the fine from up to \$200 per violation to up to \$1,000 per violation and provides that the fine applies only to denials of leave in violation of the law.
2. It provides that, for denial of leave in violation of the law, the employer must pay the affected individual an amount three times the total assessed fines.
3. It provides that, for termination in connection with exercising a right granted under the law, the affected individual may choose either to receive an amount three times the total assessed fines or reemployment with the employer with back wages.

The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "B" (S-323)

This amendment amends Committee Amendment "B" to strike the bill and replace it. Part A changes the penalties that may be assessed for violations of the employment leave for victims of violence law, as follows.

1. It increases the fine from up to \$200 per violation to up to \$1,000 per violation and provides that the fine applies only to denials of leave in violation of the law.
2. It provides that, for denial of leave in violation of the law, the employer must pay the affected individual an amount three times the total assessed fines.
3. It provides that, for termination in connection with exercising a right granted under the law, the affected individual may choose either to receive an amount three times the total assessed fines or reemployment with the employer with back wages.

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Part B incorporates the substance of LD 686, as amended by Committee Amendment "A" to that bill, to protect the social media privacy of employees and applicants for employment.

Part C contains an appropriations and allocations section.

Enacted Law Summary

Public Law 2015, chapter 343, Part A changes the penalties that may be assessed for violations of the employment leave for victims of violence law, as follows.

1. It increases the fine from up to \$200 per violation to up to \$1,000 per violation and provides that the fine applies only to denials of leave in violation of the law.
2. It provides that, for denial of leave in violation of the law, the employer must pay the affected individual an amount three times the total assessed fines.
3. It provides that, for termination in connection with exercising a right granted under the law, the affected individual may choose either to receive an amount three times the total assessed fines or reemployment with the employer with back wages.

Part B of chapter 343 protects the social media privacy of employees and applicants for employment. It provides that generally an employer cannot request or coerce an employee or applicant to disclose any personal social media account information. There is an exception for cases in which the employer reasonably believed the employee's personal social media account information to be relevant to an investigation of allegations of employee misconduct or a workplace violation of applicable laws, rules or regulations and when requiring the disclosure is not otherwise prohibited by law, as long as the information disclosed is accessed and used solely to the extent necessary for the purposes of that investigation or a related proceeding.

Part B makes clear that an employer retains the right to promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including a requirement for an employee to disclose to the employer the employee's user name, password or other information necessary to access employer-issued electronic devices, including but not limited to cellular telephones and computers, or to access employer-provided software or e-mail accounts.

An employer who violates this social media privacy law is subject to a fine imposed by the Department of Labor of not less than \$100 for the first violation, not less than \$250 for the second violation and not less than \$500 for each subsequent violation.

LD 937 An Act Regarding Residential Drinking Water Arsenic Testing

INDEF PP

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

This bill requires that a seller of residential real property provide to the purchaser a form that allows the purchaser to formally decline to have the water at the property tested for arsenic. The bill imposes a 3% surcharge on the retail sale of water filters. The proceeds are to be used by the Maine State Housing Authority for the home repair program administered by the authority that provides loans and grants to low-income homeowners for necessary home repairs.

Committee Amendment "A" (S-139)

This amendment is the majority report of the committee. The amendment clarifies that the surcharge of 3% retail

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sale of water filters applies to residential point-of-use and whole house water treatment system filters. It also adds definitions for "point-of-use water treatment system" and "whole house water treatment system." It also removes the provision in the bill that proposes to require a seller of residential real property to provide to the purchaser a form that allows the purchaser to formally decline to have the water at the property tested for arsenic. The amendment also adds an appropriations and allocations section.

LD 952 An Act Regarding the Licensure of Funeral Service Providers

PUBLIC 246

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI LANGLEY	OTP-AM	H-351

This bill creates a process that allows a holder of a license to practice funeral services in another state with substantially similar licensure requirements as this State who has practiced for at least two consecutive years immediately prior to applying for a license in this State to receive a provisional license to practice funeral services. To obtain a permanent license, the person is required to pass the examination for licensure to practice funeral services within a year of receiving the provisional license.

Committee Amendment "A" (H-351)

This amendment replaces the bill. It allows the State Board of Funeral Service to issue a nonrenewable temporary license to a qualified applicant in order to allow the holder to practice funeral service until the holder has passed the State Law and Rule Examination. The term of a temporary license is six months.

Enacted Law Summary

Public Law 2015, chapter 246 allows the State Board of Funeral Service to issue a nonrenewable temporary license to a qualified applicant in order to allow the holder to practice funeral service until the holder has passed the State Law and Rule Examination. The law provides that the term of a temporary license is six months.

LD 960 An Act To Support Family Caregivers in the Workforce

**Died Between
Houses**

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

Under current law, family medical leave may be taken by an employee to care for a child, domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition. This bill adds to this list "grandparent" and "great-grandparent" and further provides that family medical leave may be taken in connection with the serious health condition experienced by any of these listed individuals related to the employee by blood, adoption, legal custody, marriage or domestic partnership.

Committee Amendment "A" (H-172)

This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

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

LD 961 An Act To Support Tourism Development in the City of Sanford ONTP

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

This bill requires the Commissioner of Economic and Community Development to establish a pilot project in the City of Sanford for tourism development including recreational tourism, experiential tourism, hotel development and theme park resort facility development by a for-profit business.

LD 970 An Act Regarding Advanced Practice Registered Nurse Requirements Died Between Houses

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

This bill revises statutory language regarding advanced practice registered nursing. The bill provides for prescriptive authority for all four roles of advanced practice, including certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist and clinical nurse specialist. Currently, nurse practitioners and certified nurse midwives have prescriptive authority. The bill also requires population-specific practice to prevent the proliferation of specialties within the nurse practitioner and clinical nurse specialist categories. The bill includes a grandfather provision.

Committee Amendment "A" (S-176)

This amendment is the minority report of the committee. It makes changes to the section of the bill that defines the population focus for an advanced practice registered nurse and changes the section of the bill regarding the scope of practice to allow a certified registered nurse anesthetist to prescribe schedule II, III, IIIN, IV and V prescription drugs for a supply of not more than four days to individuals with whom the certified registered nurse anesthetist has established a client or patient record.

LD 974 An Act To Provide Compensation to a Corrections Officer Injured by a Patient or Prisoner ONTP

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

This bill provides for a supplemental benefit paid to a corrections officer who is injured by the acts of a patient or prisoner of the jail, prison or state correctional facility where the corrections officer works if the injury qualifies the corrections officer for workers' compensation benefits. The amount of the supplemental benefit is the difference between the corrections officer's workers' compensation benefits and the corrections officer's regular salary. In addition, the work time the corrections officer misses is not chargeable against available sick leave credits.

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

LD 976 An Act To Eliminate Unnecessary Regulatory Burdens on Motor Vehicle Dealer-to-dealer Transactions ONTP

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

This bill exempts a car rental company acting in the capacity of a dealer and having a location in at least one other state from current law requiring giving or receiving written disclosure statements when selling a used motor vehicle at wholesale to another dealer.

LD 979 Resolve, To Provide for Workforce Development in the Forest Products Industry Accepted Majority (ONTP) Report

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

This resolve directs the Department of Labor to conduct a pilot program to provide funding to employers in the forest products industry who hire high school graduates or holders of general equivalency diplomas 18 to 20 years of age. The program provides an amount equal to 50% of the students' annual salaries or employer-paid stipends for attending a postsecondary education or business training program.

Committee Amendment "A" (H-150)

This amendment, which is the minority report of the committee, strikes and replaces the appropriations and allocations section in the resolve to include funding for a half-time CareerCenter Consultant position to administer the pilot program.

LD 984 An Act To Authorize the Dispensing of Eyeglasses with an Expired Prescription ONTP

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

This bill requires an optometrist, upon presentation of an expired prescription for ophthalmic lenses by a patient, to dispense without liability prescription glasses pursuant to the expired prescription and to inform the patient of the consequences of not renewing the prescription by receiving a proper eye examination.

LD 1009 An Act To Benefit the Education of Denturism Students PUBLIC 192

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING WARD	OTP-AM	S-160

This bill allows the Board of Dental Examiners to issue a permit to a denturist student to perform limited denturist services similar to the board's current authority to issue a permit to a dental student.

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

Committee Amendment "A" (S-160)

This amendment replaces the bill. Like the bill, this amendment authorizes the Board of Dental Examiners to issue a permit to a bona fide denturist student of a school acceptable to the board, after the completion of satisfactory training, to perform limited denturist services in private practice or institutional and public health service programs within the State, commensurate with the student's level of training under the supervision and control of a licensed dentist or denturist or instructional facility acceptable to the board. The amendment differs from the bill in that it requires the board only, rather than the board and the school, prior to the issuance of this permit, to determine that the supervision and control of the services to be performed by the student are adequate and that the performance of those services by the student adds to the student's knowledge and skill in the practice of denturism. The amendment specifies that a permit issued is valid for one year from the date of issuance and may be renewed one time only for the purpose of completing supervised training experience. It also requires the board to adopt routine technical rules to implement this provision.

Enacted Law Summary

Public Law 2015, chapter 192 authorizes the Board of Dental Examiners to issue a permit to a bona fide denturist student of a school acceptable to the board, after the completion of satisfactory training, in order to allow the student to perform limited denturist services in private practice or institutional and public health service programs within the State, commensurate with the student's level of training under the supervision and control of a licensed dentist or denturist or instructional facility acceptable to the board. It requires the board, prior to the issuance of this permit, to determine that the supervision and control of the services to be performed by the student are adequate and that the performance of those services by the student adds to the student's knowledge and skill in the practice of denturism. The law specifies that a permit issued is valid for one year from the date of issuance and may be renewed one time only for the purpose of completing supervised training experience. It also requires the board to adopt routine technical rules to implement this provision.

LD 1010 An Act To Afford Public Employers Flexibility To Achieve Efficiency and Quality in Management

Died On Adjournment

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

This bill amends the Municipal Public Employees Labor Relations Law by providing that the use of private contractors by a public employer to perform services for the public employer, and the elimination of employment positions resulting from the use of private contractors, are not subject to negotiation in collective bargaining.

Committee Amendment "A" (S-201)

This amendment, which is the minority report of the committee, specifies that the provision of the bill applies only to the use of contractors for noninstructional services.

LD 1011 An Act To Address Drug Testing in the Workplace and the Effect of Approved Substances on Current Drug Policy

Leave to Withdraw Pursuant to Joint Rule

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

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

Current law requires employers that want to provide a drug-free workplace by testing applicants or employees for substance abuse to develop and file a policy with the Department of Labor. The Bureau of Labor Standards reviews the policies to ensure compliance with state laws and rules. This bill provides employers with a single, consistent model policy. The model policy, which must be established by the Commissioner of Labor and managed by the department, is intended to encourage greater participation by employers to reduce substance abuse in the workplace. The bill requires an employer to adopt the model policy before establishing a substance abuse testing program. It removes the requirements that employers provide an employee assistance program and pay for half of rehabilitation beyond services provided through health care benefits. Employers may offer an employee assistance program if they choose. The bill amends the definition of "probable cause" to provide that a single work-related accident is probable cause to suspect an employee is under the influence of a substance of abuse. This bill requires the Department of Labor and Department of Health and Human Services to develop a policy to address the impact of medical marijuana use in the workplace for submission to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 2, 2015.

LD 1015 An Act To Require Large Employers To Report Compensation Information

Died Between Houses

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

This bill requires employers who employ over 100 workers in the State to report annually to the Bureau of Labor Standards within the Department of Labor the total compensation of the chief executive officer of the employer and the total compensation of the full-time employee of the employer with the lowest rate of pay. The bill requires the bureau to submit an annual report including, for each employer required to report under this bill, the employers' information and the ratio of the total compensation of the chief executive officer of the employer to the total compensation of the full-time employee of the employer with the lowest rate of pay to the Legislature and post the report on the department's website.

Committee Amendment "A" (S-141)

This amendment, which is the majority report of the committee, provides that the compensation disclosure and reporting requirements of the bill apply with respect to an employer's highest-paid executive rather than the employer's chief executive officer.

The amendment also adds an appropriations and allocations section.

LD 1028 An Act To Amend the Laws Concerning the Registration of Professional Engineers

**PUBLIC 228
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM	H-303

This bill, retroactive to January 1, 2011, preserves the rights of holders of professional engineer licenses by allowing an engineer whose license has expired to renew that license up to five years after the date of expiration and, as long as the engineer had previously held a license as a professional engineer for at least 10 years, to forgo the licensure requirements otherwise applicable for a former licensee who is seeking license renewal after 90 days have elapsed, which are the same requirements applicable to new applicants.

Committee Amendment "A" (H-303)

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

This amendment removes provisions in the bill that propose to allow an engineer whose license has expired to renew that license up to five years after the date of expiration and instead provides the board with the authority to waive additional qualifications upon renewal if the licensee meets specific criteria. The amendment replaces continuing education requirements with professional development requirements and increases the renewal fee cap from \$50 to \$200. It also adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2015, chapter 228 provides the State Board of Licensure for Professional Engineers with the authority to waive certain additional license renewal criteria if the license renewal application is made within three years from the date of the expiration and the licensee has completed any requisite professional development requirements and has never been subject to discipline in this or any other jurisdiction. The law provides for an increase in the license renewal fee cap from \$50 to \$200. In addition, the law is retroactive in its application to January 1, 2011.

Public Law 2015, chapter 228 was enacted as an emergency measure effective June 22, 2015.

LD 1039 An Act To Amend the Polygraph Examiners Act

PUBLIC 316

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	S-300

The bill contains the following changes to the Polygraph Examiners Act.

1. It defines "polygraph examination."
2. It specifically authorizes a polygraph examiner to disclose information acquired from a polygraph examination to a member of a criminal justice agency if the polygraph examination is conducted in the course of a criminal investigation; another licensed polygraph examiner in a professional consultation; an employee or intern working with the polygraph examiner; or as otherwise provided by law.
3. It provides that statements or disclosures voluntarily made by an examinee that are adverse to the examinee's interests may be used against the examinee in the course of a criminal investigation or prosecution, to the fullest extent permitted by law.
4. It establishes fees for initial and renewal polygraph examiner licenses, and for intern polygraph examiner licenses.
5. It extends the term of a renewal polygraph examiner license from two to four years.
6. It more specifically outlines the qualifications a person must have in order to be eligible to obtain a polygraph examiner license.

Committee Amendment "A" (S-300)

This amendment specifies that a person to whom a polygraph examination is administered is considered to have taken the polygraph examination if the person participates to any extent in the formalities of the pre-test phase of the polygraph examination. It also makes clear that nothing prohibits the use of any statements or disclosures voluntarily made in a polygraph examination in the course of a criminal investigation or prosecution, to the fullest extent permitted by law.

Enacted Law Summary

Public Law 2015, chapter 316 contains the following changes to the Polygraph Examiners Act.

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

1. It adds a provision to ensure that the housing provided by the Homeless Veterans Housing Fund will be constructed for homeless veterans and their immediate families.
2. It adds a provision to require that Volunteers of America enter into a service agreement with the United States Department of Veterans Affairs prior to construction that describes the resources and services both entities will provide to homeless veterans receiving housing funded by the fund.
3. It allows Volunteers of America to request funds from the fund, as long as the organization enters into a service agreement with each homeless veteran receiving housing funded by the fund that identifies the resources and services that will be provided to veterans by the United States Department of Veterans Affairs and by Volunteers of America.
4. It authorizes the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to conduct quarterly quality control site inspections of the housing constructed for homeless veterans on the grounds of the United States Department of Veterans Affairs medical center in the Town of Chelsea.
5. It adds an annual reporting requirement from Volunteers of America to the Bureau of Maine Veterans' Services and the joint standing committee of the Legislature having jurisdiction over veterans affairs.
6. It includes a provision requiring that Volunteers of America use utility services of the United States Department of Veterans Affairs.
7. It adds an appropriations and allocations section to the bill.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

LD 1091 An Act To Allow Youth Who Referee Sports To Be Paid Stipends ONTP

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

This bill allows a minor 12 years of age or older to referee, umpire or officiate in a youth athletic program for a stipend if the minor referees, umpires or officiates for an age group younger than the minor's own age and an adult representing the youth athletic program is on the premises.

LD 1093 An Act Regarding the Municipalities to Which the Maine Uniform Building and Energy Code Applies ONTP

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

Under current law, all municipalities of more than 4,000 residents must enforce the Maine Uniform Building and Energy Code. Municipalities with 4,000 or fewer residents are not required to adopt or enforce the Maine Uniform Building and Energy Code, but if such a municipality adopts or enforces a building code, it must be the Maine Uniform Building and Energy Code.

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

This bill increases the minimum threshold after which a municipality is required to enforce the Maine Uniform Building and Energy Code to more than 5,000 residents.

LD 1101 An Act To Adopt a Retail Workers' Bill of Rights ONTP

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

This bill amends the laws regarding the employment practices of employers at retail establishments by requiring the following:

1. Two weeks' prior notice of work schedules to employees, with compensation owed for schedule changes under certain circumstances;
2. Paying part-time employees the same wage as full-time employees;
3. Providing part-time employees the same paid or unpaid time off as full-time employees;
4. Providing part-time employees the same eligibility for promotions as full-time employees; and
5. Offering additional work to part-time employees before hiring new employees or using contractors or temporary staffing services under certain circumstances.

The bill also requires these employers to keep certain business records for at least three years. The Department of Labor, Bureau of Labor Standards may investigate possible violations and receive complaints of possible violations from the public. A fine of \$50 per day is due for any noncompliance. The Attorney General may also file a civil action seeking additional remedies. The Department of Labor may adopt rules to help implement compliance and enforcement of these provisions and must report to the Legislature periodically on violations of the law and its efforts.

LD 1109 An Act To Facilitate the Completion of Training by Certain Cosmetology Students ONTP

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

This bill allows a cosmetology student of the now-closed Mr. Bernard's School of Hair Fashion, Inc., who has at least 1,000 hours of the required 1,500 instruction hours for licensure in cosmetology to fulfill the remaining required instruction hours through experience in the practice of cosmetology as a trainee at a rate of one training hour for every .6 of an instruction hour.

LD 1119 An Act To Amend the Laws Governing the Filing of Wage Statements and Other Laws under the Maine Workers' Compensation Act of 1992 PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING WARD	OTP-AM	S-286

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

In response to the Law Court decisions in *Wilson v. Bath Iron Works Corp.*, 2008 ME 47, 942 A.2d 1237 and *Graves v. Brockway Smith Co.*, 2012 ME 128, 55 A.3d 456, this bill amends the law to effectuate results different from those reached by the Court.

Current law provides that a petition under the Maine Workers' Compensation Act of 1992 is barred unless filed within two years after the date of injury or the date that the employer files a required first report of injury, whichever is later. This bill specifies that this provision applies to dates of injury occurring on or after January 1, 1993.

Under current law, if an employer or insurer pays benefits under the Maine Workers' Compensation Act of 1992 within two years after the date of injury or the date that the employer files a required first report of injury, the period during which a petition must be filed is six years from the date of the most recent payment. This bill clarifies that, for dates of injury on or after October 17, 1991, this six-year limitation applies regardless of whether the employer has filed a first report of injury.

This bill also provides that for dates of injury before October 17, 1991, a 10-year limitation applies regardless of whether the employer has filed a first report of injury.

Committee Amendment "A" (S-286)

This amendment replaces the bill and makes various changes in the workers' compensation laws.

1. It maintains the provision in the bill that provides that an employer may report wages of an employee to the Workers' Compensation Board in the same manner as the employee is paid and adds that an employer is not required to report lost time to the Workers' Compensation Board beyond 14 days for an injured employee who has returned to work and subsequently attended medical appointments if the employee did not lose wages for attending such appointments.
2. It requires the Workers' Compensation Board to inform the Maine Insurance Guaranty Association of the association's responsibilities under the Maine Workers' Compensation Act of 1992 within 180 days.
3. It changes the job title of hearing officer to administrative law judge, except for any hearing officer currently serving who is not admitted to the practice of law in Maine.
4. It requires the Workers' Compensation Board to develop rules in regards to the timing and deadlines for independent medical examiner examinations and directs the Workers' Compensation Board to annually report data regarding these examinations to the Legislature.

Enacted Law Summary

Public Law 2015, chapter 297 makes various changes in the workers' compensation laws.

1. It provides that an employer may report wages of an employee to the Workers' Compensation Board in the same manner as the employee is paid and adds that an employer is not required to report lost time to the Workers' Compensation Board beyond 14 days for an injured employee who has returned to work and subsequently attended medical appointments if the employee did not lose wages for attending such appointments.
2. It requires the Workers' Compensation Board to inform the Maine Insurance Guaranty Association of the association's responsibilities under the Maine Workers' Compensation Act of 1992 within 180 days.
3. It changes the job title of hearing officer to administrative law judge, except for any hearing officer currently serving who is not admitted to the practice of law in Maine.

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4. It requires the Workers' Compensation Board to develop rules in regards to the timing and deadlines for independent medical examiner examinations and directs the Workers' Compensation Board to annually report data regarding these examinations to the Legislature.

LD 1120 An Act To Repeal the Maine Uniform Building and Energy Code ONTP

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

This bill repeals the laws establishing the Maine Uniform Building and Energy Code and makes adjustments to certain other laws to make them consistent with law that existed prior to the enactment of Public Law 2007, chapter 699, which created the uniform code. This bill does not reenact the Maine Model Building Code or the energy efficiency building standards that were repealed by Public Law 2007, chapter 699 and replaced by the Maine Uniform Building and Energy Code.

LD 1131 An Act To Create a Domestic Division within the Maine International Trade Center ONTP

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

This bill requires the Maine International Trade Center to establish and maintain a domestic division to support, promote and expand trade opportunities with other states and provides funding for two positions at the Maine International Trade Center to staff the domestic division.

LD 1132 An Act To Invest in Maine Companies Died Between Houses

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

This bill creates the Invest in Maine Capital Authority with bonding authority to provide loans or bond funding to major business development projects, which are defined as development projects that have a projected cost of at least \$50,000,000 or are projected to result in the creation or retention of at least 250 full-time employment positions that pay at least 125% of the state annual average weekly wage.

Committee Amendment "A" (S-210)

This amendment is the minority report of the committee and replaces the bill. It authorizes the Finance Authority of Maine to establish the Maine Business Capital Investment Program to provide loans or bond funding to certain eligible business projects. As in the bill, the projects must have projected costs of at least \$50,000,000 or be projected to result in the creation or retention of at least 250 full-time employment positions that pay at least 125% of the state annual average wage. The amendment specifies that the legislation takes effect only upon the receipt by the Finance Authority of Maine for the Maine Business Capital Investment Fund of appropriations, allocations or funds from other funding sources in the amount of at least \$250,000,000.

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

LD 1137 An Act To Promote Reemployment of Unemployed Workers

CARRIED OVER

Sponsor(s)

KATZ

Committee Report

Amendments Adopted

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

This bill proposes to improve reemployment opportunities for workers who are between jobs in several ways, including:

1. Adjusting orientation and training programs for unemployed workers to prepare those workers to take new jobs in the event their previous jobs may no longer exist due to the transformative nature of economic downturns;
2. Strengthening up-front assessment of worker skills, educational deficits and overall employability for purposes of shaping reemployment plans;
3. Enhancing the Department of Labor's enterprise option program through qualified use of other state programs designed to help innovative entrepreneurs establish businesses;
4. Formulating performance metrics for the unemployment compensation system that emphasize cycle times from job to job, measure the degree of wage restoration over time and assess the efficacy of the unemployment compensation system in placing workers in jobs; and
5. Requiring the Department of Labor to report regularly to the joint standing committee of the Legislature having jurisdiction over unemployment compensation matters on the effectiveness of these changes in helping unemployed workers become reemployed.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1139 An Act To Provide for the 2015 and 2016 Allocations of the State Ceiling on Private Activity Bonds

**P & S 6
EMERGENCY**

Sponsor(s)

VOLK
HERBIG

Committee Report

OTP-AM

Amendments Adopted

S-59

This bill establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2015 and 2016 among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-59)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2015, chapter 6 establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2015 and 2016 among the state-level issuers of tax-exempt bonds.

Private and Special Law 2015, chapter 6 was enacted as an emergency measure effective May 24, 2015.

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

LD 1140 An Act To Promote Economic Development

PUBLIC 224

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK HERBIG	OTP-AM ONTP	S-190

This bill increases the maximum loan amount available through the Economic Recovery Program administered by the Finance Authority of Maine from \$1,000,000 to \$2,000,000. It takes effect only upon the receipt by the Economic Recovery Program Fund of an appropriation, general obligation bond funding or other funding in the amount of at least \$13,000,000.

Committee Amendment "A" (S-190)

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

Enacted Law Summary

Public Law 2015, chapter 224 increases the maximum loan amount available through the Economic Recovery Program administered by the Finance Authority of Maine from \$1,000,000 to \$2,000,000. The law takes effect only upon the receipt by the Economic Recovery Program Fund of an appropriation, general obligation bond funding or other funding in the amount of at least \$13,000,000.

LD 1154 An Act To Provide for the Establishment of Benefit Corporations

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG CUSHING	OTP-AM	H-363

This bill creates a statutory framework that allows a corporation to elect to become a benefit corporation by explicitly stating in its articles of incorporation a general benefit purpose or one or more specific benefit purposes, which are other than maximizing shareholder value. "General public benefit" means a material positive impact on society and the environment, taken as a whole, assessed against a 3rd-party standard, from the business and operations of the benefit corporation. A specific public benefit can be providing goods and services to underserved individuals and communities, the promotion of economic opportunities, protecting the environment, improving human health or other particular benefits to society or the environment. A benefit corporation may be subject to a benefit enforcement proceeding for failing to pursue or create a general public benefit or a specific public benefit as set forth in its articles of incorporation, or for a violation of any obligation, duty or standard of conduct imposed. A benefit corporation must make its annual benefit report available publicly and file it as an annual corporate report with the Secretary of State.

Committee Amendment "A" (H-363)

This amendment removes the provision in the bill that requires a benefit corporation to file its annual benefit report with the Secretary of State. It also clarifies that there may be more than a single general public benefit.

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

LD 1156 An Act Regarding the Board of Dental Examiners

**PUBLIC 135
EMERGENCY**

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

Public Law 2011, chapter 581 established dental adjudicatory panels and gave those panels sole authority to hold adjudicatory hearings regarding disciplinary actions for persons licensed by the Board of Dental Examiners. The board retained investigative powers, but all complaints were required to be referred to a dental adjudicatory panel for a disciplinary hearing. The section of law establishing the adjudicatory panels was repealed on September 15, 2014, leaving the board without a means to hold disciplinary hearings. This bill returns to the Board of Dental Examiners the authority to conduct disciplinary hearings.

Enacted Law Summary

Public Law 2011, chapter 581 established dental adjudicatory panels and gave those panels sole authority to hold adjudicatory hearings regarding disciplinary actions for persons licensed by the Board of Dental Examiners. The board retained investigative powers but all complaints were required to be referred to a dental adjudicatory panel for a disciplinary hearing. The section of law establishing the adjudicatory panels was repealed on September 15, 2014, leaving the board without a means to hold disciplinary hearings. Public Law 2015, chapter 135 returns to the Board of Dental Examiners the authority to conduct disciplinary hearings.

Public Law 2015, chapter 135 was enacted as an emergency measure effective June 2, 2015.

LD 1157 An Act To Protect Preemployment Credit Privacy

**Died Between
Houses**

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

This bill prohibits employers from obtaining information regarding the creditworthiness, credit standing, credit capacity, debts or check-writing experience of a prospective employee as part of the hiring process or decision. There are exceptions from this prohibition in the bill for circumstances in which the job requires management of the company's finances or a customer's financial assets, the employer is in the financial services industry or the employer is otherwise required by law to obtain this information. Violation of this prohibition is a civil violation for which a fine from \$500 to \$1,000 for each violation may be adjudged. The prohibition is enforced by the Director of Labor Standards within the Department of Labor.

Committee Amendment "A" (H-213)

This amendment is the minority report of the committee and adds an appropriations and allocations section to the bill.

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

**LD 1158 An Act To Improve the Ability of Mental Health Professionals To Assess
the Risk of Suicide** **Accepted Majority
(ONTP) Report**

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

This bill adds a new requirement for the renewal of professional licenses for social workers, licensed clinical professional counselors and psychologists that each must show proof upon renewal that the licensee has completed a minimum of six hours of course work every 10 years in suicide prevention, evidence-based suicide risk assessment or the treatment and management of suicidal persons, including knowledge of community resources and cultural factors. These courses may be used to satisfy the licensee's other continuing education requirements.

LD 1165 An Act To Enact the Toxic Chemicals in the Workplace Act **Died Between
Houses**

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

This bill enacts the Toxic Chemicals in the Workplace Act to create a statutory and regulatory framework designed to prevent harm to employees by reducing exposure to highly toxic chemicals in the workplace and thereby decrease the rates of cancer and other chronic diseases in the State, improve workplace chemical management and safety and ensure safer workplaces and healthier communities.

This bill specifically:

1. Directs the Department of Labor to develop criteria for identifying toxic and highly toxic chemicals, designate all toxic and highly toxic chemicals to be regulated by the Act and publish lists of all regulated toxic and highly toxic chemicals on its publicly accessible website;
2. Requires employers subject to the provisions of the Act to develop and implement a written alternative chemical work plan and designate a transition team to assist in transitioning from highly toxic chemicals in the workplace to safer alternatives;
3. Directs the transition team to inventory all chemicals in the workplace, both toxic and nontoxic, and determine which chemicals have been designated by the department as toxic or highly toxic chemicals;
4. Requires the transition team to develop a priority ranking of all identified highly toxic chemicals, based on a number of criteria, to assist in determining which chemicals will be transitioned to safer alternatives;
5. Directs the transition team, as part of developing the priority ranking, to conduct for each highly toxic chemical an alternatives analysis that includes, among other things, a detailed financial analysis of the costs of substituting an alternative;
6. Requires the transition team to decide which alternatives to highly toxic chemicals are safer alternatives and which safer alternatives should be tested and evaluated for permanent transition. After testing and evaluation of selected safer alternatives, the transition team may elect to transition to a safer alternative on a permanent basis;

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7. Allows an employer, at any point after completing the transition to a safer alternative, to discontinue use of the safer alternative and report the basis for discontinuation to the department;
8. Stipulates reporting and records retention requirements for the employer, as well as guidelines for access to information by employees and state agencies;
9. Directs the development by the employer of employee training and other informational materials;
10. Authorizes the department to enforce the provisions of the Act and to issue penalties for violations of the Act;
11. Requires the department to adopt all rules necessary to implement the provisions of the Act;
12. Stipulates an effective date for the Act of September 1, 2016; and
13. Directs the department, by January 1, 2016, to submit for legislative review major substantive rules related to the Act.

Committee Amendment "A" (H-328)

This amendment, which is the minority report of the committee, makes a number of changes to the bill, including the following:

1. Expands the definition of "employer" to include employers engaged in employment activities involving the use, handling or storage of chemicals and employers with workplaces constructed of materials or including equipment that release highly toxic chemicals that pose a health risk to employees;
2. Removes the requirement for the Department of Labor to designate toxic and highly toxic chemicals to be regulated by the Act, and instead further defines highly toxic chemicals and directs employers to identify them. The department is required to publish on its publicly accessible website lists of online resources that identify highly toxic chemicals;
3. Requires an employer to contact chemical suppliers and manufacturers for possible safer chemical alternatives and to implement a process for permanent transition to the safer alternative chemicals. If the employer elects not to use safer alternative chemicals, the employer must submit a report to the Department of Labor detailing the basis for not proceeding with the transition to the safer alternative;
4. Requires employers to complete a self-audit for compliance with this Act; and
5. Requires annual employee training that follows the United States Department of Labor, Occupational Safety and Health Administration's globally harmonized system of classification and labeling of chemicals.

**LD 1182 An Act To Exempt Certain Agricultural Buildings from the Maine
Uniform Building and Energy Code**

PUBLIC 126

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

This bill requires the Department of Public Safety, Office of the State Fire Marshal, Technical Building Codes and Standards Board, the entity responsible for maintenance of the Maine Uniform Building and Energy Code, to exempt buildings used to house livestock or harvested crops from the code.

Enacted Law Summary

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Public Law 2015, chapter 126 requires the Department of Public Safety, Office of the State Fire Marshal, Technical Building Codes and Standards Board, the entity responsible for maintenance of the Maine Uniform Building and Energy Code, to exempt buildings used to house livestock or harvested crops from the code.

LD 1187 An Act To Specify the Record-keeping Requirements for Social Workers ONTP

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

This bill amends the laws governing social workers by adding new client record-keeping requirements for persons licensed as social workers by the State as well as public and client notice requirements in the event a person licensed by the State discontinues practice.

LD 1188 An Act To Implement a Rental Assistance Program for Low-income Households and Individuals ONTP

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

This bill directs the Maine State Housing Authority to implement a rental assistance program for low-income households and individuals that allocates assistance throughout the State based upon the local area's availability, affordability, condition and cost burden of housing. Under the bill, 100% of available funds are awarded to participants with incomes at or below 30% of the median income of the local area.

LD 1191 An Act To Remove the Municipal Mandate To Enforce the Maine Uniform Building and Energy Code Died Between Houses

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

Under current law, all municipalities of more than 4,000 residents must enforce the Maine Uniform Building and Energy Code. Municipalities with 4,000 or fewer residents are not required to adopt or enforce the Maine Uniform Building and Energy Code, but if such a municipality adopts or enforces a building code, it must be the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code.

This bill allows, but does not require, a municipality of more than 4,000 residents to adopt and enforce a building code, but it restricts the code that may be adopted or enforced by that municipality to the Maine Uniform Building and Energy Code.

Committee Amendment "A" (S-161)

This amendment is the majority report of the committee and strikes and replaces the bill. Beginning on November 1, 2015, it authorizes a municipality that has more than 4,000 but less than 10,000 residents to vote under its home rule authority to exempt the municipality from the Maine Uniform Building and Energy Code enforcement requirements pursuant to the municipal voting requirements under the Maine Revised Statutes, Title 30-A, chapter 121.

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LD 1195 **An Act To Amend the Laws Governing Workers' Compensation**

ONTP

Sponsor(s)

CUSHING
WARD

Committee Report

ONTP

Amendments Adopted

This bill makes the following changes to the laws governing workers' compensation and the Workers' Compensation Board, or "board."

1. It repeals language requiring the board to hire qualified persons to serve as hearing officers, and instead requires hearing officers to be appointed by the Governor and confirmed by the Senate.
2. Current law authorizes the board to establish the terms of hearing officers by rule; this bill instead provides that the initial term of a hearing officer is three years and subsequent terms are five years.
3. It provides that if a violation of the Maine Workers' Compensation Act of 1992 results in a de minimus alteration to a calculation of benefits, a report to the Attorney General is not required.
4. It requires that a person appointed to investigate circumstances surrounding an industrial injury or to conduct an audit must submit a report of the investigation or audit to the Superintendent of Insurance as well as to the board.
5. It eliminates authorization for the board to audit the Maine Insurance Guaranty Association.
6. It authorizes the disclosure of audit working papers to the Superintendent of Insurance.
7. It provides that an employee who has received a personal injury arising out of and in the course of employment and who has returned to work on a full-time basis is entitled to compensation for time spent attending medical appointments related to the injury that occur during hours that the employee is customarily at work.
8. It specifies that for a first failure to pay benefits, the penalty for delay of \$50 per day may not be more than \$500, and that for a second failure to pay, the penalty for delay of \$50 per day may not be more than \$1,000.
9. It eliminates language identifying the Maine Insurance Guaranty Association as an employer or insurance carrier for purposes of assessing penalties for delay in payment.
10. It specifies that wage statements must report wages of the employee in the same manner as wages are paid.
11. It requires that if an independent medical examiner is assigned by the board, the assignment must be made within 30 days of the request.
12. It requires that the independent medical examiner submit a written report of findings within a reasonable time following the examination. If a report is not filed within 60 days following the examination, the hearing officer is directed to follow up with the independent medical examiner.
13. It requires the board to annually publish its findings regarding the quality and timeliness of the submission of medical findings by independent medical examiners.
14. It requires hearing officers to render decisions within 60 days of the close of evidence of a hearing unless the executive director authorizes the hearing officer to take additional time to render the decision.

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15. It specifies that the law governing the determination of attorney's fees for lump-sum settlements applies to injuries occurring after January 1, 2015; that the computation of the amount is based on the indemnity benefits of the settlement; and that a fee may not be assessed for the amount of any settlement intended to pay for current or future medical costs.

16. It specifies that a de minimus error in the calculation of average weekly wage may not be considered in the calculation of a penalty.

17. It specifies that, if after an audit the board determines that an assessment in the aggregate could equal or exceed the amount of compensation, interest, penalty or other obligations, a hearing must be held before a panel composed of the executive director of the board, the Superintendent of Insurance and a hearing officer appointed by the board.

18. It authorizes the Superintendent of Insurance, rather than the board, to assess civil penalties if it is found that an employer, insurer or 3rd-party administrator for an employer has engaged in a pattern of questionable claims-handling techniques or repeated unreasonable contested claims.

19. It requires the board to annually report the results of its monitoring program to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters.

20. It directs the board to conduct a study regarding psychological injury and impairment arising out of injuries sustained by employees in the course of employment.

LD 1199 An Act To Clarify the Laws Governing the Bureau of Rehabilitation Services

PUBLIC 141

Sponsor(s)

VOLK
HERBIG

Committee Report

OTP

Amendments Adopted

This bill changes the laws governing the Department of Labor, Bureau of Rehabilitation Services by:

1. Repealing the laws governing the blind-made products program, a program that no longer exists;
2. Changing references to the Federal Rehabilitation Act to the federal Rehabilitation Act of 1973;
3. Specifying the Department of Labor as the designated state agency to provide rehabilitation services under the federal Rehabilitation Act of 1973 and naming the Division of Vocational Rehabilitation and the Division for the Blind and Visually Impaired as the designated state units;
4. Defining "gainful employment" as it pertains to the different standards within the Division of Vocational Rehabilitation and the Division for the Blind and Visually Impaired;
5. Changing the phrase "handicapped or disadvantaged individual" to "person with a disability"; and
6. Reducing the number of members on the Commission for the Deaf, Hard of Hearing and Late Deafened from 24 members and three at large members to up to 23 members to reflect the bylaws voted on by the commission. It also provides that members serve three-year terms and may serve multiple terms without limit.

Enacted Law Summary

Public Law 2015, chapter 141 changes the laws governing the Department of Labor, Bureau of Rehabilitation Services by:

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1. Repealing the laws governing the blind-made products program, a program that no longer exists;
2. Changing references to the Federal Rehabilitation Act to the federal Rehabilitation Act of 1973;
3. Specifying the Department of Labor as the designated state agency to provide rehabilitation services under the federal Rehabilitation Act of 1973 and naming the Division of Vocational Rehabilitation and the Division for the Blind and Visually Impaired as the designated state units;
4. Defining "gainful employment" as it pertains to the different standards within the Division of Vocational Rehabilitation and the Division for the Blind and Visually Impaired;
5. Changing the phrase "handicapped or disadvantaged individual" to "person with a disability"; and
6. Reducing the number of members on the Commission for the Deaf, Hard of Hearing and Late Deafened from 24 members and three at large members to up to 23 members to reflect the bylaws voted on by the commission. It also provides that members serve three-year terms and may serve multiple terms without limit.

LD 1201 An Act To Standardize and Simplify the Process for Employers To Have a Drug-free Workplace Policy ONTP

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

Current law requires employers that want to provide a drug-free workplace by testing applicants or employees for substance abuse to develop and file a policy with the Department of Labor. The Bureau of Labor Standards reviews the policies to ensure compliance with state laws and rules. This bill provides employers with a single, consistent model policy. The model policy, which is established by the Commissioner of Labor and managed by the department, is intended to encourage greater participation by employers to reduce substance abuse in the workplace. The bill requires an employer to adopt the model policy before establishing a substance abuse testing program. It removes the requirements that employers provide an employee assistance program and pay for half of rehabilitation beyond services provided through health care benefits. Employers may offer an employee assistance program if they choose. The bill amends the definition of "probable cause" to provide that a single work-related accident is probable cause to suspect an employee is under the influence of a substance of abuse. The bill requires the Department of Health and Human Services and the Department of Labor to work together to adopt rules to establish the model policy by July 1, 2016. The bill also requires the Commissioner of Labor to convene a study group to study issues related to the legalization of marijuana and the model policy. The bill directs the commissioner to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and authorizes the joint standing committee to report out a bill to the Second Regular Session of the 127th Legislature related to the commissioner's report.

LD 1210 Resolve, Directing the Department of Professional and Financial Regulation To Study the Dental Practice Laws and Recommend Changes To Streamline the Licensure and Scope of Practice Provisions Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI	OTP-AM	H-129

This resolve directs the Commissioner of Professional and Financial Regulation to convene a work group to propose changes to the laws pertaining to dental practitioners. The joint standing committee of the Legislature having

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jurisdiction over labor, commerce, research and economic development matters is authorized to report out a bill related to the work group's work to the First Regular Session of the 128th Legislature.

Committee Amendment "A" (H-129)

This amendment replaces the resolve and changes the title. It adds an emergency preamble and emergency clause and directs the Commissioner of Professional and Financial Regulation to study laws pertaining to dental practitioners, recommend changes that streamline the licensure and scope of practice provisions and submit any recommendations from the study to the Joint Standing Committee on Labor, Commerce, Research and Economic Development on or before February 15, 2016. It authorizes the committee to report out a bill related to the commissioner's report to the Second Regular Session of the 127th Legislature.

**LD 1211 An Act To Provide Rule-making Powers and Increased Authority over Accepted Majority
Dental Hygienists to the Subcommittee on Dental Hygienists (ONTP) Report**

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

Under current law, the Board of Dental Examiners, Subcommittee on Dental Hygienists performs an initial review of complaints regarding dental hygienists and applications and continuing education requirements for dental hygienists. Following its review, the subcommittee makes a recommendation to the board and the board acts on the subcommittee's recommendation.

This bill provides the subcommittee with exclusive jurisdiction over licensing, continuing education and disciplinary matters regarding dental hygienists, independent practice dental hygienists, dental hygiene therapists, registered dental hygienists and dental hygienists with public health supervision status and provides the subcommittee with rule-making authority regarding these matters. The bill also changes the composition of the subcommittee by replacing one of the dentists with a dental hygienist who is involved in the training and education of dental hygienists at an accredited school of dental hygiene and removing the requirement that the existing two dental hygienists are qualified denturists.

Committee Amendment "A" (H-313)

This amendment is the minority report of the committee. It makes the following changes to the bill.

1. It increases the number of dental hygienists and removes the dentists on the Board of Dental Examiners, Subcommittee on Dental Hygienists.
2. It requires the subcommittee to review all nitrous oxide and local anesthesia permits.
3. It changes the number of continuing education hours required for the renewal of a dental hygiene therapist license from 35 to 30.
4. It allows a dental hygienist with public health supervision status and 3,000 hours of clinical practice under general supervision of a dentist to apply for licensure as an independent practice dental hygienist.
5. It adds taking impressions and fabricating teeth whitening trays and dispensing teeth whitening solution to the scope of practice for an independent practice dental hygienist.
6. It requires the Commissioner of Professional and Financial Regulation to provide oversight over the subcommittee's routine technical rule-making process.

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7. It adds an appropriations and allocations section.

LD 1217 An Act To Require at Least 2 Weeks' Advance Notice of the Work Schedule for Hourly Employees at Certain Businesses **ONTP**

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

This bill requires employers who employ 100 or more employees in the State to provide hourly employees at least two weeks' prior notice of the employees' work schedules, with compensation owed for schedule changes under certain circumstances. The bill also requires these employers to keep certain business records for at least three years.

The bill provides that the Department of Labor, Bureau of Labor Standards may investigate possible violations and receive complaints of possible violations from the public. A fine of \$50 per day is due for any noncompliance. The Attorney General may also file a civil action seeking additional remedies. The department may adopt rules regarding compliance with and enforcement of these provisions, and the bureau must report to the Legislature periodically on violations of the law and the bureau's efforts.

LD 1218 An Act Regarding the Administration of Vaccines by Pharmacists **PUBLIC 211**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING CUSHING	OTP-AM	H-379

This bill amends the law authorizing a pharmacist to administer influenza shots to a person nine years of age or older to allow a licensed pharmacist who has received training to administer vaccines to persons seven years of age or older.

Committee Amendment "A" (H-379)

This amendment replaces the bill, which allows a pharmacist to administer vaccines licensed and recommended by the United States Food and Drug Administration. Current law allows a pharmacist to administer an influenza vaccine to a person nine years of age or older. The amendment lowers that age to seven years of age.

Enacted Law Summary

Public Law 2015, chapter 211 allows a pharmacist to administer vaccines licensed and recommended by the United States Food and Drug Administration. Current law allows a pharmacist to administer an influenza vaccine to a person nine years of age or older. The law lowers that age to seven years of age.

LD 1240 An Act To Phase Out the Payment of Subminimum Wages to Workers with Disabilities **CARRIED OVER**

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

Currently the State Government and Federal Government may issue special certificates permitting an employer to pay an individual with a physical or mental disability a wage less than the State's minimum wage based on the

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individual's ability to perform the duties required for that employment in comparison to the ability of a person who does not have a physical or mental disability to perform the same duties. This bill prohibits the issuance of such certificates. Existing special certificates authorizing payment of less than the minimum wage remain in effect until the earlier of their expiration date and November 1, 2018. After the expiration of a previously issued certificate, an individual who was covered by such certificate may apply to the Director of the Bureau of Labor Standards within the Department of Labor for a special work permit authorizing the payment of wages at less than the minimum wage rate by a certain employer.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1271 An Act To Protect Patients Who Need Eye Care

PUBLIC 173

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK MASTRACCIO	OTP-AM	S-115

This bill regulates the use of kiosks as a means of performing eye examinations. It defines "kiosk" as automated equipment or an application designed to be used on a phone, computer or Internet-based device that can be used either in person or remotely to provide refractive data or information. The bill provides that a person or entity may not dispense ophthalmic lenses or contact lenses to a patient without a valid prescription from an optometrist or ophthalmologist after an eye examination except that a prescription is not required to dispense so-called over-the-counter reading glasses. It also provides that a prescription for ophthalmic lenses or contact lenses may not be made solely on the data generated by a kiosk and it provides administrative enforcement provisions related to kiosks.

Committee Amendment "A" (S-115)

This amendment strikes contact lenses from the section of the bill that allows a person or entity to dispense reading glasses without a prescription to clarify that the provision applies only to spectacle lenses.

Enacted Law Summary

Public Law 2015, chapter 173 regulates the use of kiosks as a means of performing eye examinations. It defines "kiosk" as automated equipment or an application designed to be used on a phone, computer or Internet-based device that can be used either in person or remotely to provide refractive data or information. The law provides that a person or entity may not dispense ophthalmic lenses or contact lenses to a patient without a valid prescription from an optometrist or ophthalmologist after an eye examination, except that a prescription is not required to dispense so-called over-the-counter reading glasses. It also provides that a prescription for ophthalmic lenses or contact lenses may not be made solely on the data generated by a kiosk and it provides administrative enforcement provisions related to kiosks.

LD 1278 An Act Regarding the Purchase of Essential Tools for the Repair of Motor Vehicles

Leave to Withdraw Pursuant to Joint Rule

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

This bill allows a motor vehicle manufacturer to require a dealer to purchase an essential tool either from the manufacturer or a third party designated by the manufacturer.

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LD 1288 An Act To Attract Skilled Professionals and Young Families to Maine

ONTP

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

This bill creates and capitalizes the New American Start-up Fund administered by the Department of Economic and Community Development to provide loans to assist immigrants and refugees to start or expand businesses and to provide operational support to a nonprofit corporation that assists low-income immigrants and refugees in starting and developing businesses.

LD 1300 An Act To Create and Sustain Jobs through Development of Cooperatives

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHAPMAN LANGLEY	OTP-AM ONTP	H-396

This bill supports employee-owned businesses and cooperatives in the following ways.

1. It requires the Treasurer of State to place 1% of deposited state funds in institutions devoted to meeting the borrowing needs of cooperatives.
2. It creates the Employee Ownership Program and Employee Ownership Program Administrator under the Department of Economic and Community Development, Maine Small Business and Entrepreneurship Commission to promote employee ownership of businesses.
3. It requires the Commissioner of Economic and Community Development to give preference in Department of Economic and Community Development programs to cooperatives or businesses seeking to convert to cooperatives.
4. It requires the Commissioner of Agriculture, Conservation and Forestry to give preference in Department of Agriculture, Conservation and Forestry marketing and advertising programs to cooperatives or businesses seeking to convert to cooperatives.
5. It requires that employee-owned businesses or businesses seeking to become employee-owned be given priority in the Small Enterprise Growth Program.
6. It requires the Finance Authority of Maine to give preference in authority programs to organizations that are employee-owned or cooperatives or organizations seeking to become employee-owned or cooperatives.
7. It creates the Cooperative Development Grants Program.
8. It subtracts from the Maine income tax the amount of gain recognized by a business owner in transferring the business to an employee stock ownership plan or eligible worker-owner cooperative.
9. It requires the Department of Agriculture, Conservation and Forestry, the Department of Economic and Community Development, the Department of Labor, the Finance Authority of Maine and the University of Maine System to identify and make best efforts to pursue federal sources of funding for development of cooperatives and to cooperate with the Employee Ownership Program Administrator in pursuit of federal funding for development of

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cooperatives.

Committee Amendment "A" (H-396)

This amendment is the majority report of the committee. It replaces the bill and does the following to support employee-owned businesses and cooperatives.

1. It permits the Treasurer of State to place 1% or more of deposited state funds in institutions that meet the borrowing needs of cooperatives.
2. It requires the Maine Small Business and Entrepreneurship Commission to ensure that the State's small business development centers receive training and provide information on employee ownership and cooperative development.
3. It requires the Commissioner of Economic and Community Development to ensure equal access to Department of Economic and Community Development programs for employee-owned businesses and cooperatives, as well as businesses seeking to convert to employee ownership or cooperative organization.
4. It requires the Commissioner of Agriculture, Conservation and Forestry to ensure equal access to Department of Agriculture, Conservation and Forestry programs for employee-owned businesses and cooperatives, as well as businesses seeking to convert to employee ownership or cooperative organization.
5. It creates the Cooperative Development Grants Program.
6. It modifies the exemption from registration for certain membership securities issued by cooperatives.
7. It subtracts from the Maine income tax the amount of gain recognized by a business owner in transferring the business to an employee stock ownership plan or eligible worker-owner cooperative.
8. It requires the Department of Agriculture, Conservation and Forestry, the Department of Economic and Community Development, the Department of Labor, the Finance Authority of Maine and the University of Maine System to identify and make best efforts to pursue federal sources of funding for advancement of employee ownership and development of cooperatives.
9. It requires the Maine Small Business and Entrepreneurship Commission to ensure, to the extent feasible, that each small business development center receives training on issues relating to employee ownership and cooperative development. It requires the commission to provide a report to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on the commission's implementation of this provision.
10. It adds an appropriations and allocations section.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

**LD 1319 An Act To Ensure That Wages and Benefits of Maine State Employees
 Serve a Public Purpose**

**Accepted Majority
(ONTP) Report**

Sponsor(s)
WARD
CUSHING

Committee Report
ONTP
OTP-AM

Amendments Adopted

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This bill prohibits a public employer from compensating an employee covered under public sector collective bargaining laws for participating in an activity involving the employee's collective bargaining agent, except through regularly accrued vacation or compensatory time.

Committee Amendment "A" (H-346)

This amendment, which is the minority report of the committee, replaces the bill with a resolve that establishes the Study Commission on State Union Leave to study the impact of the practice of state-compensated leave for an employee to participate in activities related to the employee's collective bargaining agent, both in terms of overall financial cost to the State and in terms of lost employee time, and to also study the benefits of such leave to the State. The study commission must report back on its findings and recommendations by December 2, 2015, and the Joint Standing Committee on Labor, Commerce, Research and Economic Development may report out a bill related to the report.

LD 1332 An Act To Attract Entrepreneurs to the State

PUBLIC 362

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND GOODE	ONTP OTP-AM	S-228 S-250 ALFOND

This bill establishes the Maine Coworking Development Fund within the Department of Economic and Community Development. The fund is established to strengthen opportunities for entrepreneurship, stimulate innovation in the State by increasing the availability of collaborative workspace environments and address a regional market demand for affordable work environments that support communication, information sharing and networking opportunities. The fund will match public and private funds to create collaborative workspaces in order to foster innovative communities and spur creative business growth and economic activity. The bill includes an appropriations and allocations section that provides for a \$250,000 General Fund appropriation to the fund for fiscal year 2015-16 and fiscal year 2016-17.

Committee Amendment "A" (S-228)

This amendment is the minority report of the committee and it makes the following changes to the bill.

1. It adds new definitions for "participant" and "tenant."
2. It provides additional criteria for collaborative workspaces to receive awards from the Maine Coworking Development Fund by the Department of Economic and Community Development.
3. It adds additional duties for a collaborative workspace business that receives assistance from the fund.
4. It adds additional annual reporting requirements for the department.

This amendment also replaces the appropriations and allocations section in the bill.

Senate Amendment "A" To Committee Amendment "A" (S-250)

This amendment reduces from \$250,000 to \$100,000 the amount appropriated in each of the fiscal years 2015-16 and 2016-17 to support collaborative workspace businesses.

Enacted Law Summary

Public Law 2015, chapter 362 establishes the Maine Coworking Development Fund within the Department of Economic and Community Development. The fund is established to strengthen opportunities for entrepreneurship,

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stimulate innovation in the State by increasing the availability of collaborative workspace environments and address a regional market demand for affordable work environments that support communication, information sharing and networking opportunities. The fund will match public and private funds to create collaborative workspaces in order to foster innovative communities and spur creative business growth and economic activity. The law includes an appropriations and allocations section that provides for a \$100,000 General Fund appropriation to the fund for fiscal year 2015-16 and fiscal year 2016-17.

LD 1333 An Act To Ensure Economic Stability in Washington County ONTP

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

This bill provides ongoing funds to the Washington County Development Authority for the rehabilitation and renovation of the former Cutler naval base in Washington County, including but not limited to costs associated with project management, grant writing, bookkeeping, oversight, maintenance and support.

LD 1345 An Act To Provide Funding for Incubators for Business Start-ups ONTP

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

This bill enacts the Small Business Incubator Program under the direction of the Department of Economic and Community Development to provide loans, loan guarantees and grants for the establishment, operation and administration of small business incubators in Maine. It also establishes a small business incubator tax credit to provide incentives to Maine taxpayers to make contributions of private funds to be used to establish small business incubators.

LD 1351 An Act To Ensure that Membership of Public Employees in Unions is Voluntary ONTP

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

This bill amends the State's labor laws to ensure that each public sector union represents only those public employees who voluntarily are members of that union.

This bill also requires a public employee union annually to determine or certify the bargaining agent for that union.

LD 1353 An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment ONTP

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

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This bill prohibits a person from being required to join a labor organization or pay any labor organization dues or fees as a condition of employment or continuation of employment, notwithstanding any state law to the contrary. A violation is a Class D crime and is also subject to civil damages and injunctive relief. The Attorney General is responsible for enforcement and is required to prosecute all violations.

LD 1358 An Act To Support Innovation and Entrepreneurship in Maine through the Start Maine Up Program ONTP

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

This bill establishes the Start Maine Up Program in the Department of Economic and Community Development to encourage and promote economic development by providing tax-free economic incentives for approved businesses that create operations in, expand within or relocate in designated areas of vacant land located at state university campuses or community college campuses in the State as long as the businesses demonstrate future positive community and economic benefits for the State. The department is responsible for administering the program in conjunction with the University of Maine System, the Maine Maritime Academy and the Maine Community College System.

LD 1361 An Act To Promote Minimum Wage Consistency Died Between Houses

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

This bill prohibits a municipality or any other political subdivision of the State from enacting an ordinance governing the minimum wage that an employer must pay an employee.

Committee Amendment "A" (S-142)

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

LD 1364 An Act To Expand Opportunities for Economic Development in Maine Died Between Houses

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

This bill makes the following changes to the laws governing Pine Tree Development Zones.

1. Current law authorizes Pine Tree Development Zone businesses whose primary purpose is to support the State's working waterfront to apply for adjustments based on a catastrophic occurrence. This bill eliminates the restriction that the business be within the working waterfront industry, and allows such affected businesses to apply for an extension of their certification period of up to two years. This bill authorizes the Department of Economic and Community Development, after consultation with the Governor, to grant extensions of certification.

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2. Current law defines a qualified Pine Tree Development Zone employee as an employee for whom group health insurance is provided. This bill eliminates the requirement that group health insurance be provided.

3. Current law defines a qualified Pine Tree Development Zone employee as one whose income is greater than the most recent annual per capita personal income in the county in which the qualified employee is employed. Under this bill, the income of a qualified employee is greater than the average weekly wage for the most recent calendar year as derived from the Quarterly Census of Employment and Wages. The calculation of the average weekly wage must include data from the counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo and Washington.

4. It amends the laws governing employment tax increment financing reimbursement to reflect the revised definition of "qualified employee" under the Pine Tree Development Zone laws.

Committee Amendment "A" (S-198)

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

LD 1371 An Act To Encourage Greater Efficiency in the Unemployment Insurance System

Died Between Houses

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

This bill makes the following changes to the laws governing the Maine Unemployment Insurance Commission. It provides that:

1. The members of the commission who are representatives of employers and labor are employed on a per diem basis in the amount of \$100 for up to four hours of services provided in relation to hearings and \$100 for each consecutive period of up to four hours of services provided in relation to hearings thereafter, with mileage and tolls reimbursed at the legislative rate pursuant to the Maine Revised Statutes, Title 3, section 2;
2. The Governor may remove a member of the commission for inefficiency, willful neglect of duty or malfeasance in office with the review and concurrence of the joint standing committee of the Legislature having jurisdiction over labor matters upon hearing in executive session or by impeachment. Before removing a member, the Governor must notify the President of the Senate and the Speaker of the House of Representatives of the removal and the reasons for the removal; and
3. The chair of the commission may render preliminary or ancillary decisions related to processing of commission cases.

Committee Amendment "A" (S-189)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to the bill.

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**LD 1372 An Act To Encourage the Redevelopment of Upper Floors of Buildings
in Downtowns and on Main Streets**

PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R BREEN	OTP-AM	H-311 S-329 HAMPER

This bill is a concept draft pursuant to Joint Rule 208. It proposes to enact measures to encourage municipalities to review and reassess municipal regulations that create barriers to development in downtowns and on main streets. As part of a review and reassessment, a municipality shall consider:

1. Assessing current community needs and environmental impacts of the regulations;
2. Lessening the impact of excessive parking requirements for buildings in downtowns and on main streets; and
3. Extending so-called grandfather provisions relating to the reuse of upper floors of buildings in downtowns and on main streets.

Committee Amendment "A" (H-311)

This amendment strikes and replaces the concept draft. It encourages municipalities to develop policies in the comprehensive planning process that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets.

Senate Amendment "A" To Committee Amendment "A" (S-329)

This amendment adds a mandate preamble.

Enacted Law Summary

Public Law 2015, chapter 349 encourages municipalities to develop policies in the comprehensive planning process that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets.

LD 1373 An Act To Create the Put ME To Work Program

INDEF PP

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

This bill assists Maine residents to obtain highly skilled, high-demand, livable-wage jobs by creating a new jobs training program and improving and funding existing jobs training programs.

Part A establishes the Put ME to Work Program in the Maine Quality Centers to facilitate the establishment of job training programs at postsecondary institutions of higher education in this State by working with private businesses and postsecondary institutions of higher education to provide training to prepare workers for jobs in high-demand fields. In order to participate in the program, a business or group of businesses is required to provide at least 50% of the cost of the program, which may be through in-kind contributions. Part A provides \$250,000 for needs-based

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tuition assistance, scholarships and grants for students in the program and \$650,000 to match funding or in-kind contributions by businesses participating in the program.

Part A also provides \$100,000 to the Industry Partnership Assistance Collaborative to fund a position and associated costs within the collaborative.

Part B allows employers to make voluntary donations to the Competitive Skills Scholarship Fund. These donations would be in addition to the required employer contributions and would be used for the Competitive Skills Scholarship Program.

Committee Amendment "A" (H-442)

This amendment, which is the majority report of the committee, eliminates the \$100,000 funding in the bill for the Industry Partnership Assistance Collaborative and instead adds it to the appropriation for the Maine Community College System's Maine Quality Centers for a total of \$1,000,000 in each year of the fiscal biennium. The Maine Quality Centers appropriation is consolidated to include use both for tuition assistance for individuals participating in workforce training and to match funding and contributions from participating businesses.

The amendment directs the Board of Trustees of the Maine Community College System to adopt necessary policies and procedures for the Maine Quality Centers, including consideration of at least five specific factors. It also requires program participants to use existing financial aid resources available through their sponsoring postsecondary education institution before using program resources, which may be used only for unmet expenses for tuition, fees or books.

Additionally, the amendment requires participating employers under the Put ME to Work Program to hire successful trainees at a rate at least \$2.50 per hour more than the minimum hourly wage rate as set in Maine statute and to pay incumbent worker trainees an hourly wage that meets or exceeds the median wage for that occupation as identified by the Center for Workforce Research and Information within the Department of Labor.

The amendment eliminates the provision of the bill that allows employers to make voluntary donations to the Competitive Skills Scholarship Fund.

This amended version of the bill was incorporated into the Biennial Budget, Public Law 2015, chapter 267, Part A, section A-11 and Part AAAA.

Committee Amendment "B" (H-443)

This amendment, which is the minority report of the committee, strikes the bill and replaces it with a workforce training program to be administered jointly by the Department of Labor and the State Workforce Investment Board.

The amendment replaces the requirement in the bill that participating businesses provide at least 50% of the cost of the program with a preference for such businesses when granting applications. Additionally, for industry partnership applicants, seven factors are also taken into account when reviewing applications.

The amendment requires participating employers to hire trainees at a rate at least \$2.50 per hour more than the state-mandated minimum hourly wage rate and to pay incumbent worker trainees with an hourly wage that meets or exceeds the median wage for that occupation as identified by the Center for Workforce Research and Information within the Department of Labor.

The amendment eliminates the \$100,000 funding per fiscal year in the bill for the Industry Partnership Assistance Collaborative and the \$900,000 per fiscal year funding in the bill for the Maine Community College System's Maine Quality Centers. Funding is instead directed to the State Workforce Investment Board at a level of \$500,000 in the first fiscal year and \$750,000 in the second fiscal year. This funding is to be used to match contributions of participating businesses and to support a portion of the cost of one Labor Program Specialist position to manage the

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Put ME to Work Program.

**LD 1384 An Act To Improve Workplace Safety by Simplifying and Improving
Employers' Substance Abuse Policy Requirements**

CARRIED OVER

Sponsor(s)

STETKIS

Committee Report

Amendments Adopted

This bill makes the following changes to the laws governing employment practices concerning substance abuse testing.

1. It specifies that employers may establish policies or rules related to the possession or use of substances of abuse by employees and for employee impairment by substances of abuse at the workplace.
2. It repeals a section of law that addresses nuclear power plants since there are no operating nuclear power plants in this State.
3. It authorizes an employer that has employees subject to a federally mandated substance abuse testing program to extend its federal drug testing activities to its entire workforce in order to maintain a single testing program and specifies that the employer must maintain the privacy protections that Maine statute affords all other Maine employees.
4. Current law prohibits a single work-related accident from forming the basis of probable cause to believe that an employee may be under the influence of a substance of abuse. This bill amends the law to provide that a single work-related accident that results in injury or significant property damage may be probable cause to suspect an employee is under the influence of a substance of abuse.
5. It eliminates the current requirement that, prior to establishing a substance abuse testing program, an employer with over 20 full-time employees have a functioning employee assistance program.
6. It directs the Commissioner of Labor to develop model policy templates with adequate flexibility so as to facilitate the ability of the employers' substance abuse testing programs and policies to meet the requirements of the Maine Revised Statutes, Title 26, chapter 7, subchapter 3-A to develop new policies or update existing policies.
7. It expands the number of establishments that can undertake companywide random substance abuse testing from those with 50 or more employees to those with 10 or more employees.
8. It eliminates the requirement that employers share an employee's rehabilitation costs not covered by group health insurance and clarifies that rehabilitation costs not covered by a group health insurance program are the responsibility of the employee.
9. It specifies that testing at the point of collection of saliva or urine is permissible for both applicants for employment and for employees.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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LD 1388 An Act To Clarify the Used Car Information Laws

PUBLIC 167

Sponsor(s)

VOLK

Committee Report

OTP

Amendments Adopted

This bill adds to the laws regarding used car information definitions of "livery service," "rideshare" and "vehicle history report." The bill also exempts a car dealer from liability for providing a consumer a vehicle service history report that the dealer did not prepare if the dealer also provides the consumer with a disclosure. Finally, this bill increases the minimum amount of damage required to be disclosed from \$2,000 to \$3,000.

Enacted Law Summary

Public Law 2015, chapter 167 adds to the laws regarding used car information definitions of "livery service," "rideshare" and "vehicle history report." The law also exempts a car dealer from liability for providing a consumer a vehicle service history report that the dealer did not prepare if the dealer also provides the consumer with a disclosure. In addition, the law increases the minimum amount of damage required to be disclosed from \$2,000 to \$3,000.

LD 1389 An Act To Conform Maine Law to Federal Law Regarding Closings and Mass Layoffs and To Strengthen Employee Severance Pay Protections

CARRIED OVER

Sponsor(s)

ROSEN

Committee Report

Amendments Adopted

This bill clarifies and strengthens the laws governing severance pay. It adds definitions for "closing," "mass layoff," "part-time employee," "employment loss" and "gross earnings." It provides that ambiguous language of an employer regarding the duration and nature of an employment loss may not be construed to prevent potential liability for payment of severance. The bill changes the circumstances that mitigate liability for severance pay by adding the closing of a covered establishment that is necessitated by the final order of a federal, state or local government agency, including an adjudication of bankruptcy. It amends the laws governing advance notice of a closing so they conform to the federal Worker Adjustment and Retraining Notification Act, also known as the WARN Act, 29 United States Code, Sections 2101 to 2109 (2014) and changes the designation of rules from major substantive to routine technical.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1393 An Act Regarding the Work Permitting Process for Minors

Died Between Houses

Sponsor(s)

STETKIS

Committee Report

ONTP
OTP-AM

Amendments Adopted

The purpose of this bill is to clarify the laws governing the employment of minors and to conform the State's laws to federal law, thus expanding work opportunities for minors.

1. It changes Maine law to conform to federal law, providing that minors who are younger than 14 years of age may

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be employed only in the planting, cultivating or harvesting of field crops, or other agricultural employment that does not place them in direct contact with hazardous machinery or hazardous substances.

2. It conforms to federal law the hours that minors who are 16 and 17 years of age may work, by extending the permissible time until which such a minor may work on a day preceding a school day from 10:15 pm to 11:00 pm.
3. It eliminates the prohibition on minors who are 16 and 17 years of age from working more than 10 hours in any day when the minor's school is not in session.
4. It eliminates the prohibition on minors under 16 years of age working more than 6 consecutive days.
5. It eliminates the prohibition on minors under 18 years of age working more than 50 hours per week when school is not in session.
6. It specifies that the restrictions on the hours of employment of minors does not apply to:
 - A. Agricultural employment that does not require direct contact with hazardous machinery or hazardous substances;
 - B. Employment or training as a theatrical actor or a film actor;
 - C. The taking or catching of lobsters, fish or other marine organisms, as long as the work does not require direct contact with hazardous machinery or hazardous substances; and
 - D. At a business that is solely owned by the minor's parent, as long as the work does not require direct contact with hazardous machinery or hazardous substances.
7. It specifies that superintendents of school administrative units issue work permits to minors and copy the Department of Labor, Bureau of Labor Standards; the bureau develops the blank permits, furnishes them to the superintendents and serves as a resource for superintendents regarding federal and state law.
8. It maintains the authority of the bureau to revoke work permits if state or federal law has been violated.
9. It repeals obsolete language dealing with triplicate permits and a master permit system.

Committee Amendment "A" (H-437)

This amendment, which is the minority report of the committee, strikes language in the bill giving the superintendent of a school administrative unit the authority to issue work permits to minors and instead retains the current law, which provides the issuing authority to the Department of Labor, Bureau of Labor Standards, subject to prior certification and approval from the superintendent of a school administrative unit.

**LD 1403 An Act To Require Licensed Mental Health Professionals To Receive
Training in Suicide Risk Assessment**

**Leave to Withdraw
Pursuant to Joint
Rule**

Sponsor(s)
MALABY

Committee Report

Amendments Adopted

This bill amends the laws governing the licensure renewal requirements for mental health clinicians, including professional counselors and social workers, to require six continuing education hours in suicide risk assessment and

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treatment of suicidal persons as a requirement for license renewal.

LD 1404 Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Court Reporters and Legal Recorders **ONTP**

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

This resolve requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes of the proposal to license court reporters and legal recorders.

LD 1405 An Act To Amend the Licensing Laws of the Maine Fuel Board **PUBLIC 169**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING	OTP-AM	S-229

This bill amends the provisions of law regarding the Maine Fuel Board by:

1. Clarifying that there is a separate license and scope of practice for a master oil burner technician, master solid fuel technician, journeyman oil burner technician, journeyman solid fuel technician, apprentice oil burner technician and apprentice solid fuel technician;
2. Specifying that the installation, cleaning, repairing and servicing of pellet-fired central heating appliances is included within the scope of practice of oil burner technicians if that person holds a pellet-fired central heating appliances authority;
3. Removing the authority of the Maine Fuel Board to authorize pilot projects relating to emerging fuel fired heating technology; and
4. Upgrading the technical training required to obtain a propane and natural gas technician license.

Committee Amendment "A" (S-229)

This amendment strikes those sections of the bill that increase training requirements for propane and natural gas technician licenses.

Enacted Law Summary

Public Law 2015, chapter 169 amends the provisions of law regarding the Maine Fuel Board by:

1. Clarifying that there is a separate license and scope of practice for a master oil burner technician, master solid fuel technician, journeyman oil burner technician, journeyman solid fuel technician, apprentice oil burner technician and apprentice solid fuel technician;
2. Specifying that the installation, cleaning, repairing and servicing of pellet-fired central heating appliances is included within the scope of practice of oil burner technicians if that person holds a pellet-fired central heating appliances authority;

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- 3. Removing the authority of the Maine Fuel Board to authorize pilot projects relating to emerging fuel fired heating technology; and
- 4. Upgrading the technical training required to obtain a propane and natural gas technician license.

LD 1422 An Act To Allow Maine Residents To Personally Import Medications as Permitted under the Federal Food, Drug, and Cosmetic Act Died Between Houses

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

Under the Federal Food, Drug, and Cosmetic Act, the importation of unapproved new prescription drugs, including foreign-made versions of prescription drugs that have been approved by the federal Food and Drug Administration, is prohibited. However, the Food and Drug Administration has developed guidance that allows the personal importation of certain drugs.

This bill, using the guidance developed by the Food and Drug Administration, enacts the Maine Pharmaceutical Drug Safety Act to allow an individual in Maine to import prescription drugs from Canada or certain member countries of the European Union for use by that individual or a member of that individual's immediate family. The country from which the prescription drug is to be imported must meet specific criteria regarding regulation of its pharmacies and pharmacists, as determined by the United States Secretary of State. The prescription drug to be imported must also meet specific requirements. The importation of controlled substances and prescription drugs for sale or resale is specifically prohibited.

LD 1423 An Act To Expand Access to Workforce Development at Brunswick Landing Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY HERBIG	ONTP OTP-AM	S-225

This bill provides ongoing General Fund appropriations of \$1,300,000 per year beginning in fiscal year 2015-16 to the Governor's Jobs Initiative Program to increase economic development and provide support for operations and key educational programs at the Maine Advanced Technology and Engineering Center at Brunswick Landing.

Committee Amendment "A" (S-225)

This amendment, which is the minority report of the committee, changes the bill by providing ongoing General Fund appropriations of \$1,300,000 per year, beginning in fiscal year 2015-16, directly to Southern Maine Community College to fund operations at its new Midcoast Campus at Brunswick Landing instead of directing the funding through the Governor's Jobs Initiative Program. The amendment also clarifies that funding will support public-private partnerships for academic programming and ensure student success through support services for workforce development.

This amended version of the bill was partially incorporated into the Biennial Budget, Public Law 2015, chapter 267, Part A, section A-11. Funding is reduced to one-time funding of \$410,982 in Fiscal Year 2015-16.

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**LD 1431 An Act To Help Facilitate New Career Opportunities and Attract Major
Private Investment**

**Accepted Majority
(ONTP) Report**

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

The purpose of this bill is to improve Maine's overall competitiveness and ability to attract major private investment to the State by creating a mechanism for competing for major business expansion and creation projects, referred to as transformational business expansion projects, which are the construction, development, rehabilitation, expansion, modernization or acquisition of any building, structure, system, machinery, equipment or facility in a military redevelopment zone that has a projected cost of \$25,000,000 or more and the operation of which is projected to result in a net gain of at least 500 job opportunities. An applicant who is certified by the Commissioner of Economic and Community Development as a transformational business expansion project is eligible for the following incentives and benefits:

1. A 20-year corporate income tax credit that includes a 100% credit for the first 10 years that the project is in operation and a 50% credit for the next 10 years that the project is in operation;
2. A sales tax exemption and reimbursement for expenditures made for the project for up to 20 years;
3. An annual reimbursement for up to five years from the Efficiency Maine Trust for electric rates that exceed the national average industrial rate as determined by the United States Energy Information Administration and certified by the Public Utilities Commission;
4. Employment tax increment financing benefits for qualified investments. The reimbursement is equal to 80% of Maine income tax withheld each year for which reimbursement is requested and attributed to qualified employees for a period of no more than 10 years. For years of operation beginning after the 10th year until the 20th year, the certified applicant is eligible for a reimbursement of 50% of Maine income tax withheld each year for which reimbursement is requested. This benefit expires after December 31, 2034;
5. Access to a pool of up to \$400,000,000 in loans and up to \$100,000,000 in bond funding for transformational business expansion projects to provide long-term, credit-enhanced financing at taxable bond rates. Financing assistance for a single project may not exceed \$400,000,000;
6. Access to workforce development assistance, training and recruitment by the Commissioner of Economic and Community Development and the Commissioner of Labor, who are required to work with agencies across State Government involved in employment or skill training to identify and marshal financial resources to help a transformational business expansion project recruit and train workers; and
7. Access to the benefits available under the Governor's Jobs Initiative Program, including access to funds from the Competitive Skills Scholarship Program.

Additionally, this bill prohibits requiring a person, as a condition of employment or continuation of employment at a transformational business expansion project, to join a labor organization or pay any labor organization dues or fees and establishes, in a manner similar to laws governing the shipbuilding facility credit, a preference for Maine workers, companies and bidders as part of the contractual inducement for the qualified applicant to make a qualified investment and for the State to provide the incentives.

Committee Amendment "A" (S-255)

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This amendment, which is the minority report of the committee, clarifies that the Finance Authority of Maine retains its current authority to determine whether an applicant for long-term, credit-enhanced financing pursuant to the Maine Revised Statutes, Title 10, chapter 110, subchapter 3 may receive such financing. The amendment also adds an appropriations and allocations section.

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SUBJECT INDEX

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Enacted

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Enacted

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LD 1182	An Act To Exempt Certain Agricultural Buildings from the Maine Uniform Building and Energy Code	PUBLIC 126
LD 1271	An Act To Protect Patients Who Need Eye Care	PUBLIC 173
LD 1372	An Act To Encourage the Redevelopment of Upper Floors of Buildings in Downtowns and on Main Streets	PUBLIC 349
LD 1388	An Act To Clarify the Used Car Information Laws	PUBLIC 167

Not Enacted

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LD 855	An Act To Allow Grocery Stores under 10,000 Square Feet To Be Open on Sundays	Died Between Houses
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LD 1278	An Act Regarding the Purchase of Essential Tools for the Repair of Motor Vehicles	Leave to Withdraw
LD 1300	An Act To Create and Sustain Jobs through Development of Cooperatives	CARRIED OVER

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Not Enacted

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LD 1393	An Act Regarding the Work Permitting Process for Minors	Died Between Houses

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Not Enacted

LD 1010	An Act To Afford Public Employers Flexibility To Achieve Efficiency and Quality in Management	Died On Adjournment
LD 1351	An Act To Ensure that Membership of Public Employees in Unions is Voluntary	ONTP

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Enacted

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LD 914	An Act To Amend the Public Accountancy Laws	PUBLIC 110

Not Enacted

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Not Enacted

LD 372	An Act To Enhance the Promotion of Hunting and Fishing Opportunities in Maine by the Office of Tourism	ONTP
LD 1131	An Act To Create a Domestic Division within the Maine International Trade Center	ONTP
LD 1333	An Act To Ensure Economic Stability in Washington County	ONTP

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Enacted

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LD 447	An Act To Repeal Outdated Statutory Sections Relating to Regional Ride Share Programs	PUBLIC 43
LD 586	An Act To Amend the Maine Economic Development Venture Capital Revolving Investment Program	PUBLIC 47
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LD 1332	An Act To Attract Entrepreneurs to the State	PUBLIC 362

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LD 163	An Act To Provide Economic Development Assistance to Rural Communities	ONTP
LD 209	An Act To Support Research and Development at a Marine Field Station at the University of Maine at Machias	ONTP
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LD 429	An Act To Modify the Disbursement from the Maine Economic Improvement Fund	CARRIED OVER
LD 803	Resolve, To Establish the Task Force To Develop Strategies To Protect Towns	ONTP
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LD 1288	An Act To Attract Skilled Professionals and Young Families to Maine	ONTP
LD 1345	An Act To Provide Funding for Incubators for Business Start-ups	ONTP
LD 1358	An Act To Support Innovation and Entrepreneurship in Maine through the Start Maine Up Program	ONTP
LD 1364	An Act To Expand Opportunities for Economic Development in Maine	Died Between Houses
LD 1431	An Act To Help Facilitate New Career Opportunities and Attract Major Private Investment	Majority (ONTP) Report

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Enacted

LD 921	An Act To Strengthen the Right of a Victim of Sexual Assault or Domestic Violence To Take Necessary Leave from Employment and To Promote Employee Social Media Privacy	PUBLIC 343
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Not Enacted

LD 188	An Act To Protect Employees from Abusive Work Environments	Died Between Houses
LD 402	Resolve, To Amend Rules Regarding Proof of Ownership of Logging Equipment and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment	ONTP
LD 445	An Act Regarding the Sick Days of an Employee Who Is Terminated While on Sick Leave	Died On Adjournment
LD 486	An Act To Require Adequate Rest Breaks for Employees	ONTP
LD 612	An Act To Require a Large Employer To Provide a Paper Paystub upon Request from an Employee	ONTP
LD 673	An Act To Help Prevent Age Discrimination	ONTP
LD 960	An Act To Support Family Caregivers in the Workforce	Died Between Houses
LD 1011	An Act To Address Drug Testing in the Workplace and the Effect of Approved Substances on Current Drug Policy	Leave to Withdraw
LD 1101	An Act To Adopt a Retail Workers' Bill of Rights	ONTP
LD 1157	An Act To Protect Preemployment Credit Privacy	Died Between Houses
LD 1201	An Act To Standardize and Simplify the Process for Employers To Have a Drug-free Workplace Policy	ONTP
LD 1217	An Act To Require at Least 2 Weeks' Advance Notice of the Work Schedule for Hourly Employees at Certain Businesses	ONTP
LD 1384	An Act To Improve Workplace Safety by Simplifying and Improving Employers' Substance Abuse Policy Requirements	CARRIED OVER
LD 1389	An Act To Conform Maine Law to Federal Law Regarding Closings and Mass Layoffs and To Strengthen Employee Severance Pay Protections	CARRIED OVER

Housing

Not Enacted

LD 249	An Act To Enable Seniors To Remain in Their Homes	CARRIED OVER
LD 443	An Act To Help Stabilize Homeless Shelters and Shelters for Victims of Human Trafficking in Maine	Died On Adjournment
LD 937	An Act Regarding Residential Drinking Water Arsenic Testing	INDEF PP

LD 1062	An Act To Support Housing for Homeless Veterans	CARRIED OVER
LD 1188	An Act To Implement a Rental Assistance Program for Low-income Households and Individuals	ONTP

Individuals with Disabilities Employment

Enacted

LD 1199	An Act To Clarify the Laws Governing the Bureau of Rehabilitation Services	PUBLIC 141
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Not Enacted

LD 1240	An Act To Phase Out the Payment of Subminimum Wages to Workers with Disabilities	CARRIED OVER
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Insurance

Not Enacted

LD 717	An Act To Establish the Maine Paid Family Leave Insurance Program	Leave to Withdraw
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Labor Relations

Not Enacted

LD 404	An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions	Majority (ONTP) Report
LD 489	An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment	Majority (ONTP) Report
LD 530	An Act To Improve Public Sector Collective Bargaining Laws	Died Between Houses
LD 1319	An Act To Ensure That Wages and Benefits of Maine State Employees Serve a Public Purpose	Majority (ONTP) Report
LD 1353	An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment	ONTP

Miscellaneous

Not Enacted

LD 9	An Act To Retain Call Centers in Maine	Majority (ONTP) Report
LD 674	An Act To Support Maine's Working Families	CARRIED OVER
LD 1015	An Act To Require Large Employers To Report Compensation Information	Died Between Houses
LD 1422	An Act To Allow Maine Residents To Personally Import Medications as Permitted under the Federal Food, Drug, and Cosmetic Act	Died Between Houses

Occupational and Professional Regulation

Enacted

LD 91	An Act To Allow Dental Hygienists To Prescribe Fluoride Dentifrice and Antibacterial Rinse	PUBLIC 326
LD 294	An Act To Allow a Home Heating Oil Delivery Driver To Bleed a Home Heating Oil Burner	PUBLIC 207
LD 488	An Act To Expand the Scope of Practice for Denturists	PUBLIC 155
LD 814	An Act To Update the Maine Veterinary Practice Act	PUBLIC 209
LD 830	An Act To Eliminate the Dual Licensing of Physician Assistants	PUBLIC 242
LD 834	An Act To Clarify the Use of "M.D." To Represent Achievement of a Graduate Degree by an Individual Not Licensed To Practice Medicine in Maine	PUBLIC 270
LD 847	An Act To Permit Hair Braiding without a Barbering or Cosmetology License	PUBLIC 132 EMERGENCY
LD 918	An Act To Allow Licensed Independent Practice Dental Hygienists To Expose and Process Radiographs under Protocols Developed by the Board of Dental Examiners	PUBLIC 2 EMERGENCY
LD 952	An Act Regarding the Licensure of Funeral Service Providers	PUBLIC 246
LD 1009	An Act To Benefit the Education of Denturism Students	PUBLIC 192
LD 1028	An Act To Amend the Laws Concerning the Registration of Professional Engineers	PUBLIC 228 EMERGENCY
LD 1039	An Act To Amend the Polygraph Examiners Act	PUBLIC 316
LD 1156	An Act Regarding the Board of Dental Examiners	PUBLIC 135 EMERGENCY
LD 1218	An Act Regarding the Administration of Vaccines by Pharmacists	PUBLIC 211
LD 1405	An Act To Amend the Licensing Laws of the Maine Fuel Board	PUBLIC 169

Not Enacted

LD 61	An Act To Require Tattoo Practitioners To Be at Least 18 Years of Age	ONTP
LD 121	Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Certain Mechanical Trades	Died Between Houses
LD 141	An Act To Amend the Definition of "Health Care Practitioner" in the Maine Health Security Act To Include Pharmacists	Majority (ONTP) Report
LD 187	Resolve, To Expand Dental Care in the State by Extending the Pilot Program for Dental Hygienists	ONTP
LD 250	An Act To Amend the Laws Regarding Dealers in Secondhand Precious Metals	ONTP
LD 277	An Act To License Polysomnography	ONTP

LD 361	An Act To Allow Licensed Dental Professionals To Own Dental Practices	Majority (ONTP) Report
LD 362	An Act To Require Dentists To Disclose the Cost and Origin of Off-site Laboratory Services	ONTP
LD 540	An Act To Improve Access to Dental Care through the Establishment of the Maine Board of Oral Health	Majority (ONTP) Report
LD 671	An Act To Allow Independent Practice Dental Hygienists To Take X-rays	ONTP
LD 690	An Act To Ensure the Safety of Home Birth	CARRIED OVER
LD 895	Resolve, Directing the Real Estate Commission To Convene a Stakeholder Group on Real Estate Licensure Requirements	Veto Sustained
LD 970	An Act Regarding Advanced Practice Registered Nurse Requirements	Died Between Houses
LD 984	An Act To Authorize the Dispensing of Eyeglasses with an Expired Prescription	ONTP
LD 1109	An Act To Facilitate the Completion of Training by Certain Cosmetology Students	ONTP
LD 1158	An Act To Improve the Ability of Mental Health Professionals To Assess the Risk of Suicide	Majority (ONTP) Report
LD 1187	An Act To Specify the Record-keeping Requirements for Social Workers	ONTP
LD 1210	Resolve, Directing the Department of Professional and Financial Regulation To Study the Dental Practice Laws and Recommend Changes To Streamline the Licensure and Scope of Practice Provisions	Veto Sustained
LD 1211	An Act To Provide Rule-making Powers and Increased Authority over Dental Hygienists to the Subcommittee on Dental Hygienists	Majority (ONTP) Report
LD 1403	An Act To Require Licensed Mental Health Professionals To Receive Training in Suicide Risk Assessment	Leave to Withdraw
LD 1404	Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Court Reporters and Legal Recorders	ONTP

Occupational Safety

Enacted

LD 699	An Act To Update Maine Law To Conform to New Federal Occupational Safety and Health Administration Regulations	PUBLIC 138 EMERGENCY
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Not Enacted

LD 1165	An Act To Enact the Toxic Chemicals in the Workplace Act	Died Between Houses
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Prevailing Wage and Benefits

Not Enacted

LD 117	An Act To Require the Prevailing Wage To Be Paid on All Public Works Projects for Which State Funding Is Used	Died Between Houses
LD 248	An Act To Provide Flexibility to the Application of the State Prevailing Wage and Benefit Rates	ONTP

Retirement

Enacted

LD 164	An Act To Establish the Maine Length of Service Award Program	PUBLIC 352
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Not Enacted

LD 768	An Act To Create a Public Option Pension System	ONTP
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Unemployment Compensation

Enacted

LD 701	An Act To Modify Unemployment Insurance Successor Law	PUBLIC 107
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LD 702	An Act To Clarify Filing Methods for Quarterly Payroll Reports	PUBLIC 39
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Not Enacted

LD 675	An Act To Protect Earned Pay	Died Between Houses
LD 1137	An Act To Promote Reemployment of Unemployed Workers	CARRIED OVER
LD 1371	An Act To Encourage Greater Efficiency in the Unemployment Insurance System	Died Between Houses

Wages

Not Enacted

LD 36	An Act To Increase the Minimum Wage	ONTP
LD 52	An Act To Adjust Maine's Minimum Wage	ONTP
LD 72	An Act To Increase the Minimum Wage	ONTP
LD 77	An Act To Raise the Minimum Wage	ONTP
LD 92	An Act To Increase the Minimum Wage to \$8.00 per Hour	Died Between Houses
LD 403	An Act To Eliminate the Exception from Minimum Wage Laws for Workers Who Receive Tips	ONTP
LD 487	An Act To Provide for an Increase in the Minimum Wage	ONTP
LD 562	An Act To Protect Casino Workers	ONTP
LD 739	Resolve, To Establish a Working Group To Evaluate the Benefits and Detriments of Increasing the Minimum Wage	ONTP

LD 843	An Act To Raise the Minimum Wage and Index It to the National Average Wage	ONTP
LD 1361	An Act To Promote Minimum Wage Consistency	Died Between Houses

Workers' Compensation

Enacted

LD 125	An Act Extending Workers' Compensation Benefits to Certain Employees of the Office of the State Fire Marshal Who Contract Cancer	PUBLIC 373
LD 1119	An Act To Amend the Laws Governing the Filing of Wage Statements and Other Laws under the Maine Workers' Compensation Act of 1992	PUBLIC 297

Not Enacted

LD 81	An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation	Died Between Houses
LD 301	An Act To Improve Insurance Coverage for First Responders Answering a Call to Duty	Died Between Houses
LD 698	An Act To Establish a Presumption of Impairment in the Line of Duty for Corrections Officers under the Workers' Compensation Laws	ONTP
LD 974	An Act To Provide Compensation to a Corrections Officer Injured by a Patient or Prisoner	ONTP
LD 1195	An Act To Amend the Laws Governing Workers' Compensation	ONTP

Workforce Investment

Enacted

LD 700	An Act Regarding the Industry Partnership Assistance Collaborative's Grant Program	PUBLIC 156
LD 856	An Act To Amend the Competitive Skills Scholarship Program To Allow for Participation in Early College and Career and Technical Education Programs	PUBLIC 257

Not Enacted

LD 979	Resolve, To Provide for Workforce Development in the Forest Products Industry	Majority (ONTP) Report
LD 1373	An Act To Create the Put ME To Work Program	INDEF PP
LD 1423	An Act To Expand Access to Workforce Development at Brunswick Landing	Died On Adjournment

STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

August 2015

MEMBERS:

SEN. LINDA L. BAKER, CHAIR
SEN. BRIAN D. LANGLEY
SEN. DAVID R. MIRAMANT

REP. WALTER A. KUMIEGA III, CHAIR
REP. MICHAEL G. DEVIN
REP. ROBERT W. ALLEY, SR.
REP. LYDIA BLUME
REP. JOYCE MCCREIGHT
REP. JEFFREY K. PIERCE
REP. KEVIN J. BATTLE
REP. STEPHANIE HAWKE
REP. DAVID P. SAWICKI
REP. WILLIAM R. TUELL

STAFF:

CRAIG NALE, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

Joint Standing Committee on Marine Resources

LD 98 An Act Amending the Trap Limit for the Swans Island Lobster Conservation Area

**PUBLIC 50
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY KUMIEGA	OTP-AM	S-24

This bill increases the number of traps that an individual registered to obtain Swans Island Lobster Conservation Area trap tags may place or maintain in the Swans Island Lobster Conservation Area from 550 to 600.

Committee Amendment "A" (S-24)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 50 increases the number of traps that an individual registered to obtain Swans Island Lobster Conservation Area trap tags may place or maintain in the Swans Island Lobster Conservation Area from 550 to 600.

Public Law 2015, chapter 50 was enacted as an emergency measure effective April 30, 2015.

LD 178 Resolve, Directing the Department of Marine Resources To Conduct an Impact Study in the St. George River Estuary

ONTP

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

This resolve directs the Department of Marine Resources to conduct an impact study in the intertidal area of the St. George River estuary in collaboration with the Georges River Regional Shellfish Management Committee and the member towns on the effects of harvesting marine worms and softshell clams in the same intertidal area in order to develop the best management practices in harvesting both species in the same area. The resolve directs the department to report its findings and any recommended legislation to the Joint Standing Committee on Marine Resources.

LD 222 An Act To Reduce Commercial Shellfish License Fees for Persons under 18 Years of Age

PUBLIC 355

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL BURNS	OTP-AM	H-33

This bill reduces a commercial shellfish license for persons under 18 years of age to \$67.

Committee Amendment "A" (H-33)

This amendment delays the effective date of the bill to May 1, 2016.

Enacted Law Summary

Public Law 2015, chapter 355 reduces a commercial shellfish license for persons under 18 years of age to \$67

Joint Standing Committee on Marine Resources

effective May 1, 2016.

**LD 255 An Act To Preserve the Integrity of Maine's Shellfish Industry by
Increasing the Penalty for Interfering with Permitted Harvest**

PUBLIC 225

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY KUMIEGA	OTP-AM	S-84

This bill increases the fine for a person who commits a civil violation of interfering with the ability of a person who holds a municipal shellfish aquaculture permit to carry out the privileges granted under the permit. The fine is changed from not less than \$100 nor more than \$500 to not less than \$500 nor more than \$2,000. The bill also clarifies that the prohibited action includes disturbing or molesting shellfish, not only the taking of shellfish.

Committee Amendment "A" (S-84)

This amendment replaces the bill. Unlike the bill, it excludes the designee of a holder of a municipal shellfish aquaculture permit from potential liability for taking, disturbing or molesting any shellfish on the permit site.

This amendment reduces the maximum penalty for a person who interferes with the ability of a permittee to carry out the privileges granted under the permit from \$2,000, as provided in the bill, to \$1,000 and provides restitution by that person to the permittee in an amount equal to twice the replacement value of any damaged equipment on the permit site.

Enacted Law Summary

Public Law 2015, chapter 225 increases the fine for a person who commits a civil violation of interfering with the ability of a person who holds a municipal shellfish aquaculture permit to carry out the privileges granted under the permit. The fine is changed from not less than \$100 nor more than \$500 to not less than \$500 nor more than \$1,000 and provides restitution by that person to the permittee in an amount equal to twice the replacement value of any damaged equipment on the permit site. The law clarifies that the prohibited action includes disturbing or molesting shellfish, not only the taking of shellfish. It excludes the designee of a holder of a municipal shellfish aquaculture permit from potential liability for taking, disturbing or molesting any shellfish on the permit site.

**LD 353 An Act To Authorize a Temporary Medical Transfer of an Elver
Individual Fishing Quota**

PUBLIC 131

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE J	OTP-AM	H-63 H-133 KUMIEGA

This bill repeals provisions of law prescribing methods of elver fishing license and gear lotteries and implements a new elver fishing license lottery to be held before February 15th of each year beginning in 2016. This bill amends Maine's elver licensing laws to provide for the selection of elver gear types by elver fishermen, to be implemented via rulemaking before the 2016 elver fishing season. Additionally, this bill amends Maine's individual elver quota system to provide for transferability of individual quotas, to be implemented via rulemaking before the 2016 elver fishing season.

Committee Amendment "A" (H-63)

This amendment provides that the Commissioner of Marine Resources may authorize a temporary transfer of the elver individual fishing quota allocated to the holder of an elver fishing license to another holder of an elver fishing license. In order to be eligible to transfer quota, the transferor of the quota must have experienced a substantial

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illness or medical condition, must request the transfer in writing prior to March 1st of the fishing year and must have reported elver landings in the prior fishing year. The Commissioner of Marine Resources is authorized to adopt rules that would allow a temporary medical transfer requested after March 1st to address emergency medical conditions and must submit the rules or a written justification for not adopting rules to the Joint Standing Committee on Marine Resources by January 31, 2016.

House Amendment "A" To Committee Amendment "A" (H-133)

This amendment removes the requirement in Committee Amendment "A" that the Commissioner of Marine Resources submit the rules adopted, or a written justification for not adopting rules, that provide a method for authorizing a temporary medical transfer of the elver individual fishing quota allocated to the holder of an elver fishing license to another holder of an elver fishing license after March 1st to address emergency medical conditions to the Joint Standing Committee on Marine Resources.

Enacted Law Summary

Public Law 2015, chapter 131 provides that the Commissioner of Marine Resources may authorize a temporary transfer of the elver individual fishing quota allocated to the holder of an elver fishing license to another holder of an elver fishing license. In order to be eligible to transfer quota, the transferor of the quota must have experienced a substantial illness or medical condition, must request the transfer in writing prior to March 1st of the fishing year and must have reported elver landings in the prior fishing year.

LD 405 An Act To Support Expanded Capacity for Breeding Wild Atlantic Salmon in Downeast Rivers CARRIED OVER

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

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

This bill proposes to explore funding competitive grants to establish hatcheries supporting wild Atlantic salmon based on the success of and knowledge gained by the East Machias Aquatic Research Center.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 425 An Act To Prohibit False Labeling of Marine Organisms Accepted Majority (ONTP) Report

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

This bill requires clear and conspicuous labeling of a marine organism offered for sale if the marine organism is produced using genetic engineering and is labeled with the same name as its nongenetically engineered counterpart. Failure to provide the required labeling is a civil violation.

Joint Standing Committee on Marine Resources

LD 427 An Act To Address and Mitigate the Effects of Marine Debris

CARRIED OVER

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

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

This bill proposes to enact measures to address and mitigate plastic pollution in the marine environment, including, but not limited to, microdebris pollution.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 435 An Act To Extend the Protection of Municipal Shellfish Conservation Programs

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-40

This bill delays by two years the repeal of the provision of law that prohibits the harvesting of marine organisms within municipal predator control project areas, except for municipal removal of green crabs. The bill also extends by two years the municipal predator control pilot project within the Department of Marine Resources to evaluate the effectiveness of predator control strategies in increasing the survival rate of soft shell clams and marine worms.

Committee Amendment "A" (S-40)

This amendment enacts a provision of law with substantially the same language as a law that was repealed on February 28, 2015, which prohibited the harvesting of marine organisms within a municipal predator control project area, except for municipal removal of green crabs. The provision of law has a repeal date of November 1, 2016. The amendment provides that the Commissioner of Marine Resources may authorize an extension of predator control pilot projects begun by the towns of Freeport, Brunswick, Harpswell and West Bath in 2014, although the projects may continue only until November 1, 2016. The amendment requires towns with an extended predator control pilot project to report the results of the project to the Department of Marine Resources by January 31, 2017.

LD 490 An Act To Extend the Legal Hours for Harvesting Lobsters

ONTP

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

This bill extends the legal hours to harvest lobsters during the period from September 1st to October 31st.

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LD 491 An Act To Lower from 70 to 65 the Age at Which a Person May Obtain a Lobster and Crab Fishing License for a Reduced Fee ONTP

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

This bill lowers the age at which a person may obtain a lobster and crab fishing license for a reduced fee from 70 to 65 years of age.

LD 492 An Act To Expand Eligibility for Lobster and Crab Fishing Licenses for Veterans ONTP

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

This bill provides that a veteran who was honorably discharged, began military service prior to November 1, 2015, previously held a lobster or crab fishing license that was not revoked or suspended and reported lobster or crab landings to the Department of Marine Resources under that license is eligible to obtain a Class I, Class II or Class III lobster and crab fishing license.

LD 493 An Act To Create the Ocean Acidification Council CARRIED OVER

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

This bill establishes the Ocean Acidification Council to identify, study, prevent, remediate and mitigate the direct and indirect effects of coastal and ocean acidification on species that are commercially harvested and grown in the State's coastal and ocean environments. It provides for 16 council members, including two members of the Senate, three members of the House of Representatives, two representatives of an environmental or community group, three persons who fish commercially, including at least one aquaculturist, three scientists and the Commissioner of Marine Resources, the Commissioner of Environmental Protection and the Commissioner of Agriculture, Conservation and Forestry or those commissioners' designees.

The powers and duties of the council include, but are not limited to, the following:

1. Reviewing, analyzing and studying the existing scientific literature and data on coastal and ocean acidification and how it has directly or indirectly affected or may potentially affect commercially harvested and grown species along the coast of the State;
2. Identifying and monitoring the factors contributing to coastal and ocean acidification and identifying methods to mitigate acidification;
3. Working to implement the recommendations contained in the December 2014 report of the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown Along the Maine Coast established by Resolve 2013, chapter 110;

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- 4. Advising state agencies, the Legislature, Maine's congressional delegation, the Governor and federal entities on matters of coastal and ocean acidification;
- 5. Assisting the Legislature and the Governor with pending legislation related to coastal and ocean acidification including giving testimony at a public hearing on legislation before a joint standing committee of the Legislature;
- 6. Identifying and promoting economic development opportunities afforded by ocean acidification through development and commercialization of new technologies and businesses;
- 7. Recommending or submitting legislation to the Legislature relating to coastal and ocean acidification matters; and
- 8. Holding public hearings to receive testimony and recommendations from members of the public and qualified experts on matters related to coastal and ocean acidification.

This bill also requires the council to submit an annual report to the Legislature and authorizes the council to accept funding from outside sources and contains a provision repealing the laws establishing the council December 31, 2018.

This bill was carried over over to any special or regular session of the 127th Legislature by joint order H.P. 992.

LD 563 An Act Regarding the Purchase of Trap Tags in the Lobster Fishery ONTP

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

This bill requires the Commissioner of Marine Resources to establish by rule a minimum amount of lobster or crab landings required of a Class I, Class II or Class III lobster and crab fishing license holder in order for the license holder to purchase the maximum number of trap tags available. If the license holder does not report the required amount of landings, the license holder is not eligible to purchase more than 300 trap tags in any subsequent license year.

This bill also provides that a holder of a Class I, Class II or Class III lobster and crab fishing license who has not reported any lobster or crab landings to the Department of Marine Resources during the two years prior to January 1, 2015 may not purchase more than 300 trap tags in the license year beginning in 2016.

LD 669 An Act To Create a Spat Collection License PUBLIC 199

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN LANGLEY	OTP-AM	H-218

This bill creates a new license type that authorizes the collection of spat, which are larval marine organisms.

Committee Amendment "A" (H-218)

This amendment specifies that "spat" means sea scallops or blue mussels in the post-larval stage that have gone through metamorphosis and settled on a substrate and provides that the Commissioner of Marine Resources may add additional species to this definition by rule.

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This amendment provides that an aquaculture lease or license holder is exempt from the requirement to hold a spat collection license if the species is listed on that person's lease or license and the species is commercially cultured.

This amendment clarifies that a holder of a spat collection license is not required to hold a separate license for harvesting the species identified on the spat collection license for harvesting up to the maximum size of spat of that species, as specified by rule adopted by the commissioner. This amendment reduces the fee for a spat collection license from \$143 to \$75.

This amendment establishes an effective date of January 1, 2016.

Enacted Law Summary

Public Law 2015, chapter 199 creates a spat collection license. This law specifies that "spat" means sea scallops or blue mussels in the post-larval stage that have gone through metamorphosis and settled on a substrate and provides that the Commissioner of Marine Resources may add additional species to this definition by rule.

It provides that an aquaculture lease or license holder is exempt from the requirement to hold a spat collection license if the species is listed on that person's lease or license and the species is commercially cultured.

It clarifies that a holder of a spat collection license is not required to hold a separate license for harvesting the species identified on the spat collection license for harvesting up to the maximum size of spat of that species, as specified by rule adopted by the commissioner.

It reduces the fee for a spat collection license from \$143 to \$75.

Public Law 2015, chapter 199 is effective January 1, 2016.

LD 730 An Act To Make Technical Changes to Maine's Marine Resources Laws

PUBLIC 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER KUMIEGA	OTP-AM	S-41

This bill makes several technical and clarifying changes to Maine's marine resources laws. The bill:

1. Eliminates the requirement to record a research or aquaculture lease in the county registry of deeds;
2. Clarifies that a student lobster and crab fishing license holder may designate up to three sponsors;
3. Deletes the Kittery lobster trawl limit from statute. All other trawl limits are in department rule;
4. Clarifies that a student lobster and crab fishing license holder must declare a lobster management zone and may not fish a majority of the license holder's gear outside the declared zone;
5. Provides that the coordinates for the Swans Island Lobster Conservation Area are presented in latitude and longitude format and not Loran format;
6. Allows nonresidents who hold aquaculture leases or limited-purpose aquaculture licenses to be issued commercial shellfish licenses. Current law restricts commercial shellfish licenses to Maine residents;
7. Eliminates the limited wholesale shellfish harvester's license; and

Joint Standing Committee on Marine Resources

8. Clarifies the method for closing a municipal flat to depuration harvesting when the municipality is conducting pollution abatement activities.

Committee Amendment "A" (S-41)

This amendment strikes out a provision in the bill allowing nonresidents who hold aquaculture leases or limited-purpose aquaculture licenses to be issued commercial shellfish licenses.

Enacted Law Summary

Public Law 2015, chapter 68 makes several technical and clarifying changes to Maine's marine resources laws. The law:

1. Eliminates the requirement to record a research or aquaculture lease in the county registry of deeds;
2. Clarifies that a student lobster and crab fishing license holder may designate up to three sponsors;
3. Deletes the Kittery lobster trawl limit from statute. All other trawl limits are in department rule;
4. Clarifies that a student lobster and crab fishing license holder must declare a lobster management zone and may not fish a majority of the license holder's gear outside the declared zone;
5. Provides that the coordinates for the Swans Island Lobster Conservation Area are presented in latitude and longitude format and not Loran format;
6. Eliminates the limited wholesale shellfish harvester's license; and
7. Clarifies the method for closing a municipal flat to depuration harvesting when the municipality is conducting pollution abatement activities.

LD 800 An Act To Prevent Passage of Alewives through the Grand Falls Dam on the St. Croix River ONTP

Sponsor(s)

TURNER
DAVIS

Committee Report

ONTP

Amendments Adopted

This bill requires the fishway on the Grand Falls Dam located on the St. Croix River to be configured or operated to prevent passage of river herring into the lakes that form the headwaters of the river, including, but not limited to, Grand Falls Flowage, Big Lake, West Grand Lake and Spednic Lake.

LD 896 An Act To Improve Lobster Licensing Accepted Majority (ONTP) Report

Sponsor(s)

ALLEY
BURNS

Committee Report

ONTP
OTP

Amendments Adopted

This bill provides that the holder of a Class I, Class II or Class III lobster and crab fishing license may transfer the license to the buyer of the transferor's vessel and lobster and crab fishing traps if the transferee has completed the apprentice program under the Maine Revised Statutes, Title 12, section 6422.

Joint Standing Committee on Marine Resources

This bill further provides that a retired marine patrol officer is eligible for a lobster and crab fishing license with a 400 trap limit.

This bill also provides that a logbook maintained by a holder of a lobster and crab fishing license may not be inspected by the Commissioner of Marine Resources more than four times in any 10-year period.

LD 908 An Act To Promote Sustainability in the Scallop Fishing Industry ONTP

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

This bill creates a 90-pound per day, per person harvesting limit on scallops; however, this bill exempts scallops harvested through aquaculture from this limit. The bill provides that a hand fishing scallop license or scallop dragging license must be issued to an applicant who previously held a hand fishing scallop license or scallop dragging license, which had expired. The bill also imposes a maximum width of five feet, six inches for scallop drags.

LD 1016 An Act To Allow Retired Marine Patrol Officers To Obtain up to 2 Marine Fisheries Licenses ONTP

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

This bill provides that a retired marine patrol officer who applies for a Class I, Class II or Class III lobster and crab fishing license, an elver fishing license, a hand fishing scallop license, a scallop dragging license, a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license must be issued up to two of the licenses, but in no case two of the same license, if certain conditions are met. To be issued a license, the applicant must be eligible for service retirement benefits under the State Employee and Teacher Retirement Program and the issuance of the license must not result in an increase in the total number of licenses outstanding in the fishery for which the license is issued.

**LD 1027 An Act To Create an Elver Exporter's License PUBLIC 45
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA MIRAMANT	OTP-AM	H-100

This bill creates a new license for elver dealers who are exporting elvers out of the State.

Committee Amendment "A" (H-100)

This amendment eliminates the requirement that the Department of Marine Resources issue an elver dealer transaction card to the holder of an elver exporter's license and instead provides that the department must issue an electronic recording device that records the information on an elver dealer transaction card. It also adds an emergency preamble and clause to the bill.

Enacted Law Summary

Joint Standing Committee on Marine Resources

Public Law 2015, chapter 45 creates a new elver exporter's license for elver dealers who are exporting elvers out of the State. The law requires the holder of an elver exporter's license to use an electronic recording device issued by the Department of Marine Resources that records information on an elver dealer transaction card regarding sales, purchases and transportation of elvers.

Public Law 2015, chapter 45 was enacted as an emergency measure effective April 30, 2015.

LD 1038 An Act To Amend the Emergency Rule-making Authority of the Department of Marine Resources

PUBLIC 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY KUMIEGA	OTP-AM	S-64

This bill expands the emergency rule-making authority of the Commissioner of Marine Resources to allow the Department of Marine Resources to amend rules to expand opportunity in a fishery if the amendment is in compliance with a federal or interstate fisheries management plan.

Committee Amendment "A" (S-64)

This amendment clarifies the emergency rule-making authority of the Commissioner of Marine Resources to adopt or amend rules to comply with changes to federal or interstate fisheries management plans. The amendment provides that the commissioner must follow the procedures set forth in the Maine Revised Statutes, Title 5, chapter 375 when adopting or amending emergency rules.

Enacted Law Summary

Public Law 2015, chapter 80 clarifies the emergency rule-making authority of the Commissioner of Marine Resources to adopt or amend rules to comply with changes to federal or interstate fisheries management plans. The amendment provides that the commissioner must follow the procedures set forth in the Maine Revised Statutes, Title 5, chapter 375 when adopting or amending emergency rules.

LD 1143 An Act To Promote Protection of Intertidal Rockweed Habitat

ONTP

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

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

This bill proposes to enact measures to protect intertidal rockweed habitat by closing conserved lands, including, but not limited to, national parks and wildlife refuges and state parks, to commercial rockweed harvesting.

This bill further proposes to enact measures to protect intertidal rockweed habitat that would allow a landowner to close certain lands for commercial rockweed harvest at that landowner's discretion. A landowner would be permitted to close the following lands to commercial rockweed harvest: land with use restrictions arising from a recorded conservation easement; land owned by a land trust or other nongovernmental conservation organization held for conservation purposes; municipal parks; land held by a nonprofit entity with a research or educational mission, such as a coastal field station; and wildlife management areas as defined by the Maine Revised Statutes, Title 12, section 10001, subsection 74.

This bill further proposes to enact measures to protect intertidal rockweed habitat that would allow a municipality to

Joint Standing Committee on Marine Resources

close areas to commercial rockweed harvest upon approval of the majority of voters in a municipal referendum.

LD 1227 An Act To Provide for Improved Reporting of Marine Resources Landings

PUBLIC 201

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

This bill changes the marine resources licensing laws to facilitate the expansion of the use of the transaction card system for electronic dealer reporting that was implemented in Maine's elver fishery in 2014. Specifically, it provides that an individual who holds a dealer's license may be required to obtain equipment specified by the Department of Marine Resources in order to engage in licensed activities. Additionally, it specifies that in the sea urchin and scallop fisheries the license holder must be the individual who sells the harvested product; only the license holder will be issued a transaction card.

The bill also prohibits a holder of a wholesale seafood license from dealing in scallops without the holder's obtaining from the Commissioner of Marine Resources a scallop permit, which permits the holder to buy scallops from harvesters and to sell, process, ship or transport scallops.

Enacted Law Summary

Public Law 2015, chapter 201 changes the marine resources licensing laws to facilitate the expansion of the use of the transaction card system for electronic dealer reporting that was implemented in Maine's elver fishery in 2014. Specifically, it provides that an individual who holds a dealer's license may be required to obtain equipment specified by the Department of Marine Resources in order to engage in licensed activities. Additionally, it specifies that in the sea urchin and scallop fisheries the license holder must be the individual who sells the harvested product; only the license holder will be issued a transaction card.

The law also prohibits a holder of a wholesale seafood license from dealing in scallops without the holder's obtaining from the Commissioner of Marine Resources a scallop permit, which permits the holder to buy scallops from harvesters and to sell, process, ship or transport scallops.

LD 1233 An Act To Improve Enforcement of Maine's Marine Resources Laws

PUBLIC 172

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS KUMIEGA	OTP-AM	S-109

This bill amends the laws governing the enforcement of the marine resources laws in the following ways.

1. It specifies that notices of penalties and hearings are deemed received three days after they are mailed.
2. It authorizes the Commissioner of Marine Resources to deny the renewal of a license for an elver harvester or elver dealer who has not paid a pecuniary gain fine assessed to that harvester or dealer for buying or selling elvers in excess of that harvester's or dealer's quota.
3. It amends the consent to inspection provision to allow covert electronic surveillance by the Bureau of Marine Patrol, including allowing the bureau to place electronic surveillance equipment on lobster vessels for the purpose of determining if a lobster and crab fishing license holder is fishing over the trap limit.

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- 4. It imposes a time limit of up to 60 days for an administrative hearing on a license suspension to be held.
- 5. It changes the penalty for scrubbing egged lobsters from a one-year license suspension to license revocation.
- 6. It specifies that notice of failure to comply with monthly reporting requirements must be by mail or by serving the notice in hand and not by e-mail or telephone.

Committee Amendment "A" (S-109)

This amendment strikes the portion of the bill that provides authority for a marine patrol officer to use covert electronic surveillance to inspect watercraft or vehicles used in a licensed marine resources activity.

This amendment also provides authority for the Commissioner of Marine Resources to sell general merchandise to support the Bureau of Marine Patrol.

Enacted Law Summary

Public Law 2015, chapter 172 amends the laws governing the enforcement of the marine resources laws in the following ways.

- 1. It specifies that notices of penalties and hearings are deemed received three days after they are mailed.
- 2. It authorizes the Commissioner of Marine Resources to deny the renewal of a license for an elver harvester or elver dealer who has not paid a pecuniary gain fine assessed to that harvester or dealer for buying or selling elvers in excess of that harvester's or dealer's quota.
- 3. It imposes a time limit of up to 60 days for an administrative hearing on a license suspension to be held.
- 4. It changes the penalty for scrubbing egged lobsters from a one-year license suspension to license revocation.
- 5. It specifies that notice of failure to comply with monthly reporting requirements must be by mail or by serving the notice in hand and not by e-mail or telephone.
- 6. It provides authority for the Commissioner of Marine Resources to sell general merchandise to support the Bureau of Marine Patrol.

LD 1262 An Act To Authorize Tribal-state Memoranda in the Eel and Elver Fisheries

Accepted Majority (ONTP) Report

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

This bill authorizes the Commissioner of Marine Resources to enter into a memorandum of agreement with the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians regarding the management of commercial fishing in the eel and elver fisheries.

This bill requires the commissioner to report the terms of a memorandum of agreement to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The committee may report out a bill to the next regular session of the Legislature after the session in which the report is received to make any necessary statutory changes in response to the agreement.

Joint Standing Committee on Marine Resources

**LD 1297 An Act To Amend Marine Resources Licensing Restrictions for
Wabanaki Tribal Members**

**Leave to Withdraw
Pursuant to Joint
Rule**

Sponsor(s)

BEAR

Committee Report

Amendments Adopted

This bill repeals existing allocations of lobster and crab fishing licenses, commercial sea urchin licenses, commercial scallop licenses and elver fishing licenses to the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs, and provides for an equal per capita distribution of those licenses among the Penobscot Nation, the Houlton Band of Maliseet Indians, the Aroostook Band of Micmacs, the Passamaquoddy Tribe at Sipayik and the Passamaquoddy Tribe at Motahkmikuk.

LD 1416 An Act Regarding Interstate Shellfish Depuration

**Accepted Majority
(ONTP) Report**

Sponsor(s)

BEAVERS

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill provides that a memorandum of agreement entered into by the Commissioner of Marine Resources regarding interstate transport of shellfish for depuration must be reciprocal among the states involved and require that the depuration occur in a facility certified for depuration by the United States Food and Drug Administration.

Committee Amendment "A" (H-286)

This amendment clarifies references in the bill to the National Shellfish Sanitation Program and facilities where depuration of shellfish may occur. The amendment also removes the requirement that a memorandum of agreement regarding interstate transport of shellfish for depuration be reciprocal among the states involved.

Joint Standing Committee on Marine Resources

SUBJECT INDEX

Alewives

Not Enacted

LD 800 An Act To Prevent Passage of Alewives through the Grand Falls Dam on the St. Croix River ONTP

Aquaculture, Shellfish and Marine Worms

Enacted

LD 222 An Act To Reduce Commercial Shellfish License Fees for Persons under 18 Years of Age PUBLIC 355

LD 255 An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest PUBLIC 225

Not Enacted

LD 178 Resolve, Directing the Department of Marine Resources To Conduct an Impact Study in the St. George River Estuary ONTP

LD 435 An Act To Extend the Protection of Municipal Shellfish Conservation Programs Veto Sustained

LD 908 An Act To Promote Sustainability in the Scallop Fishing Industry ONTP

LD 1416 An Act Regarding Interstate Shellfish Depuration Majority (ONTP) Report

Elvers

Enacted

LD 353 An Act To Authorize a Temporary Medical Transfer of an Elver Individual Fishing Quota PUBLIC 131

LD 1027 An Act To Create an Elver Exporter's License PUBLIC 45 EMERGENCY

Fisheries Management

Enacted

LD 1038 An Act To Amend the Emergency Rule-making Authority of the Department of Marine Resources PUBLIC 80

LD 1227 An Act To Provide for Improved Reporting of Marine Resources Landings PUBLIC 201

Not Enacted

LD 1143 An Act To Promote Protection of Intertidal Rockweed Habitat ONTP

Licenses

Enacted

LD 669 An Act To Create a Spat Collection License PUBLIC 199

Not Enacted

LD 1016 An Act To Allow Retired Marine Patrol Officers To Obtain up to two Marine Fisheries Licenses ONTP

Lobsters and Crabs

Enacted

LD 98 An Act Amending the Trap Limit for the Swans Island Lobster Conservation Area PUBLIC 50
EMERGENCY

Not Enacted

LD 490 An Act To Extend the Legal Hours for Harvesting Lobsters ONTP

LD 491 An Act To Lower from 70 to 65 the Age at Which a Person May Obtain a Lobster and Crab Fishing License for a Reduced Fee ONTP

LD 492 An Act To Expand Eligibility for Lobster and Crab Fishing Licenses for Veterans ONTP

LD 563 An Act Regarding the Purchase of Trap Tags in the Lobster Fishery ONTP

LD 896 An Act To Improve Lobster Licensing Majority (ONTP)
Report

Marine Environment and Ocean Acidification

Not Enacted

LD 427 An Act To Address and Mitigate the Effects of Marine Debris CARRIED OVER

LD 493 An Act To Create the Ocean Acidification Council CARRIED OVER

Seafood Promotion

Not Enacted

LD 425 An Act To Prohibit False Labeling of Marine Organisms Majority (ONTP)
Report

Technical Changes

Enacted

LD 730 An Act To Make Technical Changes to Maine's Marine Resources Laws PUBLIC 68

LD 1233 An Act To Improve Enforcement of Maine's Marine Resources Laws PUBLIC 172

Threatened and Endangered Species

Not Enacted

LD 405 An Act To Support Expanded Capacity for Breeding Wild Atlantic Salmon in Downeast Rivers CARRIED OVER

Tribal Fishing

Not Enacted

LD 1262	An Act To Authorize Tribal-state Memoranda in the Eel and Elver Fisheries	Majority (ONTP) Report
LD 1297	An Act To Amend Marine Resources Licensing Restrictions for Wabanaki Tribal Members	Leave to Withdraw

STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON STATE AND
LOCAL GOVERNMENT**

August 2015

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REP. RICHARD A. PICKETT
REP. WILLIAM R. TUELL

Joint Standing Committee on State and Local Government

LD 6 Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-52 H-87 KRUGER

This resolve implements the recommendations of the Government Oversight Committee stemming from two reports of the Office of Program Evaluation and Government Accountability: "Public Utilities Commission" and "Healthy Maine Partnerships' FY13 Contracts and Funding." The resolve directs the Department of Administrative and Financial Services to take certain steps to strengthen the ethics standards and practices for executive branch employees by developing a consolidated code based in part on recommendations contained in a December 2009 report to the Legislature from the Commission on Governmental Ethics and Election Practices entitled "Report on Ethics Laws for Executive Branch Employees." This resolve also requires the department to implement procedures for employees to seek guidance on ethics and to report potential ethics violations. The committee also is authorized to recommend to the Legislative Council a similar code of ethics and conduct for use by the Legislature.

Committee Amendment "A" (H-52)

This amendment is the majority report of the committee. It adds an appropriations and allocations section to the resolve.

House Amendment "A" To Committee Amendment "A" (H-87)

This amendment reduces from five to one the number of new positions authorized in the committee amendment and reduces the costs appropriated accordingly. This amendment also amends the reporting language to allow for the possibility that there may be implementation work going on beyond December 1, 2015.

This resolve was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

LD 10 An Act To Establish Native American Heritage and Culture Day

PUBLIC 19

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

This bill establishes Native American Heritage and Culture Day to honor the service, sacrifice, heritage and cultural contributions of Maine Indian tribes.

Enacted Law Summary

Public Law 2015, chapter 19 establishes Native American Heritage and Culture Day to honor the service, sacrifice, heritage and cultural contributions of Maine Indian tribes.

Joint Standing Committee on State and Local Government

**LD 46 An Act To Allow Municipal Boards of Appeal To Grant Setback
Variances for Certain Hardships Caused by Prior Owners of the
Property ONTP**

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

Current law allows a municipality to grant a setback variance for single-family dwellings in cases of undue hardship, as long as the hardship is not the result of action taken by the applicant or a prior owner of the property. This bill allows a setback variance based on hardship to be granted even if the hardship is the result of action taken by a prior owner.

**LD 67 An Act To Amend the Law Regarding the Annual Municipal Report ONTP
Requirement**

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

This bill makes the following changes regarding the statutory requirements regarding annual municipal reports.

1. It allows a summary of all financial transactions in lieu of a record of all financial transactions.
2. It makes the listing of delinquent taxpayers and engineering and survey reports optional.
3. It eliminates the penalty for a municipal official who refuses or neglects to perform a duty related to annual reporting.

**LD 80 RESOLUTION, Proposing an Amendment to the Constitution of Maine Died Between
To Lower the Age Requirement To Run for Legislative Office Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY	OTP-AM ONTP	S-54

This resolution proposes a constitutional amendment to provide for lowering the age requirements to serve in the Maine House of Representatives from 21 to 18 years of age and to serve in the Maine Senate from 25 to 21 years of age.

Committee Amendment "A" (S-54)

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

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LD 82 An Act Concerning the Salary of Sheriffs

PUBLIC 41

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS	OTP-AM	S-25

This bill specifies that the salary of an elected county sheriff may not be reduced during the sheriff's term unless the sheriff voluntarily agrees to the salary reduction.

Committee Amendment "A" (S-25)

This amendment replaces the bill and requires due notice and hearing prior to reducing a county sheriff's salary during the sheriff's term after a complaint of malfeasance, misfeasance, neglect or gross negligence against that county sheriff.

Enacted Law Summary

Public Law 2015, chapter 41 requires due notice and hearing prior to reducing a county sheriff's salary during the sheriff's term after a complaint of malfeasance, misfeasance, neglect or gross negligence against that county sheriff.

**LD 106 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Increase the Length of Terms of Senators to 4 Years**

ONTP

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

This constitutional resolution increases the length of the terms of State Senators from two years to four years, beginning with the Senators elected in 2016.

LD 107 An Act To Recognize the Labrador Retriever as the Official State Dog

**Accepted Majority
(ONTP) Report**

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

This bill designates the Labrador Retriever as the official state dog.

**LD 110 An Act To Designate Pure Maine Maple Syrup as the Official State
Sweetener**

PUBLIC 70

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK DILL	OTP-AM	H-67

This bill designates maple syrup as the official state sweetener.

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Committee Amendment "A" (H-67)

This amendment specifies that pure Maine maple syrup, instead of maple syrup as proposed in the bill, is the official state sweetener.

Enacted Law Summary

Public Law 2015, chapter 70 designates pure Maine maple syrup as the official state sweetener.

**LD 114 Resolve, Authorizing the Bureau of General Services To Offer Certain
Property to Kennebec County for 6 Months Prior to Listing the
Property with Private Real Estate Brokers**

RESOLVE 20

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ POULIOT	OTP-AM OTP-AM	S-52

This resolve gives the Commissioner of Administrative and Financial Services authority to sell the property identified as the Augusta District Court to Kennebec County to be used to house the Registry of Deeds and other county offices.

Committee Amendment "A" (S-52)

This amendment is the majority report of the committee and makes the following changes.

1. It removes language that states that the Commissioner of Administrative and Financial Services must sell the property identified as the Augusta District Court to Kennebec County, and instead specifies that for six months following the effective date of the resolve the commissioner may negotiate and execute a purchase and sale agreement with Kennebec County for the sale of the property.
2. It provides that if Kennebec County determines prior to the end of the six-month period that it does not want to purchase the state property, the county must notify the commissioner in writing.
3. It prohibits the commissioner during the six-month period from negotiating or executing a purchase and sale agreement with any other party for the sale of the property unless Kennebec County notifies the commissioner in writing that the county does not want to purchase the property.
4. It provides that if after the six-month period a purchase and sale agreement has not been executed or after written notice that the county does not want to purchase the property, the commissioner may list the property for sale or lease with private real estate brokers and negotiate any sales or leases, solicit bids, sell directly to purchasers or enter directly into leases with tenants.
5. It adds a section requiring an independent appraisal of the property.
6. It adds a section specifying the disposition of proceeds from the sale of the property.

Committee Amendment "B" (S-53)

This amendment is the minority report of the committee and makes the following changes.

1. It removes language that states that the Commissioner of Administrative and Financial Services must sell the property identified as the Augusta District Court to Kennebec County, and instead specifies that for six months following the effective date of the resolve the commissioner may negotiate and execute a purchase and sale

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agreement with Kennebec County for the sale of the property.

2. It provides that if Kennebec County determines prior to the end of the six-month period that it does not want to purchase the state property, the county must notify the commissioner in writing.
3. It prohibits the commissioner during the six-month period from negotiating or executing a purchase and sale agreement with any other party for the sale of the property unless Kennebec County notifies the commissioner in writing that the county does not want to purchase the property.
4. It provides that any statutory and regulatory requirements that the property be offered to the Maine State Housing Authority or another state or local agency or offered through competitive bidding apply if the property is still available after it is offered to Kennebec County before it may be listed for sale or lease with private real estate brokers.
5. It provides that if after the six-month period a purchase and sale agreement has not been executed, and if the property has been offered to and refused by the Maine State Housing Authority or another state or local agency or unsuccessfully offered through competitive bidding, the commissioner may list the property for sale or lease with private real estate brokers and negotiate any sales or leases, solicit bids, sell directly to purchasers or enter directly into leases with tenants.
6. It adds a section requiring an independent appraisal of the property.
7. It adds a section specifying the disposition of proceeds from the sale of the property.

Enacted Law Summary

Resolve 2015, chapter 20 does the following.

1. It gives the Commissioner of Administrative and Financial Services authority to negotiate and execute a purchase and sale agreement with Kennebec County for the sale of the Augusta District Court to be used to house the Registry of Deeds and other county offices for six months following the effective date of the resolve.
2. It provides that if Kennebec County determines prior to the end of the six-month period that it does not want to purchase the state property, the county must notify the commissioner in writing.
3. It prohibits the commissioner during the six-month period from negotiating or executing a purchase and sale agreement with any other party for the sale of the property unless Kennebec County notifies the commissioner in writing that the county does not want to purchase the property.
4. It provides that if after the six-month period a purchase and sale agreement has not been executed or after written notice that the county does not want to purchase the property, the commissioner may list the property for sale or lease with private real estate brokers and negotiate any sales or leases, solicit bids, sell directly to purchasers or enter directly into leases with tenants.
5. It requires an independent appraisal of the property.
6. It specifies proceeds from the sale of the property be deposited in the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements.

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LD 137 An Act To Designate the Friendship Sloop as the Official State Maritime Symbol **Accepted Majority (ONTP) Report**

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

This bill makes the Friendship sloop, a style of gaff-rigged sloop that originated as a working boat in Friendship, the official state maritime symbol.

LD 165 An Act Regarding the Funding of Volunteer Fire Departments **Accepted Majority (ONTP) Report**

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

This bill repeals statutory language that specifies how a municipality may appropriate amounts of \$1,000 or less to its incorporated volunteer fire department.

LD 166 An Act To Allow York County To Better Provide Rescue and Ambulance Services **CARRIED OVER**

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

This bill allows York County Government to provide rescue services pursuant to the law governing counties' provision of ambulance services.

Committee Amendment "A" (H-124)

This amendment is the minority report of the committee and replaces the substance of the bill, which applies only to York County. It changes the title and removes language in current law that provides that a county may provide rescue services through the sheriff's department and deputies and instead provides that each county may provide rescue services.

This bill was committed to the Joint Standing Committee on State and Local Government and carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 167 An Act To Prohibit a Municipality from Holding a Referendum To Legalize the Recreational Use of Marijuana **ONTP**

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

Joint Standing Committee on State and Local Government

This bill prohibits a municipality from including a referendum question to legalize the recreational use of marijuana on a ballot or in a warrant or considering it at a town meeting.

LD 182 An Act To Eliminate Term Limits for Legislators

Accepted Majority (ONTP) Report

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

This bill eliminates term limits for Legislators.

Committee Amendment "A" (H-140)

This amendment is the minority report of the committee. It replaces the bill and instead increases the amount of time that a State Senator and State Representative may serve from four consecutive terms, as in current law, to six consecutive terms or 12 consecutive years, whichever is less in duration.

LD 224 An Act To Limit the Information Required To Be Printed on Municipal Referenda Ballots

Accepted Majority (ONTP) Report

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

This bill amends the laws governing municipal referenda elections to specify that only the question to the voters is required to be printed on the ballot and that the printing of the full text of the proposal and any financial information is optional.

LD 244 An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects

Died Between Houses

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

This bill requires the use of preapproved subcontractors for certain components of work, covering 16 different trades, included in bids awarded to general contractors for public improvement construction projects subject to competitive bidding.

Committee Amendment "A" (H-395)

This amendment is the majority report of the committee and requires the use of preapproved subcontractors for certain components of work included in bids awarded to general contractors for the construction, major alteration or repair of school buildings over \$250,000. It also increases the threshold proposed in the bill for the use of preapproved subcontractors from \$100,000 to \$250,000 for capital improvement contracts subject to competitive bidding that included the use of subcontractors in its bid. It also removes the list of components of capital improvement projects in the bill and instead makes reference to a list of components to be maintained by the Department of Administrative and Financial Services, Bureau of General Services. The amendment also adds an

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appropriations and allocations section.

LD 245 An Act To Rename B Stream in Houlton as Captain Ambrose Bear Stream

PUBLIC 12

Sponsor(s)

BEAR
COLLINS

Committee Report

OTP

Amendments Adopted

This bill requires the Aroostook County Commissioners to rename B Stream in and near the Town of Houlton in Aroostook County to Captain Ambrose Bear Stream, in honor of Captain Ambrose Bear, a Maliseet Indian chief who served in the Revolutionary War. The bill also requires the county commissioners to notify the appropriate authorities and agencies of the name change. The Department of Transportation is required to change any existing road signs designating B Stream to refer to Captain Ambrose Bear Stream. The bill also requires the Department of Inland Fisheries and Wildlife to amend its rules to change the name of B Stream to Captain Ambrose Bear Stream, and it changes the name where the name B Stream is cited in statute.

Enacted Law Summary

Public Law 2015, chapter 12 requires the Aroostook County Commissioners to rename B Stream in and near the Town of Houlton in Aroostook County to Captain Ambrose Bear Stream, in honor of Captain Ambrose Bear, a Maliseet Indian chief who served in the Revolutionary War. It also requires the county commissioners to notify the appropriate authorities and agencies of the name change. The Department of Transportation is required to change any existing road signs designating B Stream to refer to Captain Ambrose Bear Stream. Public Law 2015, chapter 12 also requires the Department of Inland Fisheries and Wildlife to amend its rules to change the name of B Stream to Captain Ambrose Bear Stream, and it changes the name where the name B Stream is cited in statute.

LD 258 An Act Regarding Posting of Legal Notices and Legal Advertising

Accepted Majority (ONTP) Report

Sponsor(s)

DAVIS
FREDETTE

Committee Report

ONTP
OTP

Amendments Adopted

This bill clarifies that legal notices may be placed in newspapers offered to the public for free as long as all other requirements for an eligible newspaper are met.

LD 331 An Act To Quantitatively Evaluate State Contracts

Accepted Majority (ONTP) Report

Sponsor(s)

DEVIN
JOHNSON

Committee Report

ONTP
OTP-AM

Amendments Adopted

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

This bill proposes to create a process to quantitatively evaluate a state contract to determine the total value of the contract to the State using multipliers for factors such as the amount of raw materials from in-state sources, the number of state residents employed and the use of vendors, consultants and subcontractors from the State to evaluate bids and existing contract performance and for general public information.

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Committee Amendment "A" (H-69)

This amendment is the minority report of the committee. It changes the bill to a resolve and changes its title. It directs the Department of Administrative and Financial Services, Bureau of General Services to develop a process to include quantitative analysis as a required criterion in its evaluation of the total value of competitive bids for purchases and for public improvement contracts and of other competitively bid state contracts. It also directs the bureau to develop and submit recommendations and proposed legislation regarding the incorporation of quantitative analysis in its evaluation of competitive bids to the Joint Standing Committee on State and Local Government by December 15, 2015 and allows the committee to submit a bill to the Second Regular Session of the 127th Legislature.

LD 406 An Act To Increase the Salaries of the Governor and Legislators ONTP

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

This bill increases the Governor's salary in January of 2019 from \$70,000 per year to \$120,000 per year and increases legislative salaries in December of 2018 by the same percentage, from \$14,073.63 for the first year of the biennium and \$9,982.44 for the second year of the biennium to \$24,126.22 for the first year of the biennium and \$17,112.75 for the second year of the biennium.

LD 407 An Act To Buy American-made Products Died Between Houses

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

This bill establishes the Maine Buy America Act and requires that all contracts for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work made by a state agency, board, commission or institution contain a provision that the manufactured goods, including iron and steel, used or supplied in the performance of the contract or any subcontract under the contract must be manufactured in the United States. This requirement does not apply to municipalities or school administrative units.

The bill requires that, in the case of a manufactured good other than an iron or steel product, all of the manufacturing processes take place in the United States and the origin of the manufactured good's components or subcomponents meet a minimum level of domestic content as established by rule.

Under the Act, a public agency may apply to the Governor or the Governor's designee for a waiver of the requirement if the executive head of the public agency finds that the application of the requirement would be inconsistent with the public interest, that the necessary manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality or that inclusion of manufactured goods made in the United States will increase the cost of the overall project contract by an unreasonable amount. The Department of Administrative and Financial Services is directed to develop rules regarding the Act, including rules to guide the waiver process and the process for public review and comment regarding requests for a waiver.

The bill requires that if the Department of Administrative and Financial Services has reason to believe that any person, business or other entity has intentionally made fraudulent representations about the domestic content of a manufactured good or has intentionally violated any provision of the Act, the department must, after a hearing,

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debar that person, business or other entity from contracts or subcontracts with the State for two years.

The bill provides that the provisions of this legislation must be applied in a manner consistent with the State's obligations under any applicable international agreements pertaining to government procurement.

LD 408 An Act To Help Municipalities Prepare for Changes in Sea Level

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME JOHNSON	OTP-AM ONTP	H-68

This bill requires that if a coastal municipality or multimunicipal region that includes a coastal municipality adopts a growth management program under the State's growth planning and land use laws, its comprehensive plan must include information on and a plan to address the impacts of changes in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant municipal, multimunicipal or privately held infrastructure or property. This bill also amends the State's growth planning and land use laws to reflect that addressing the impacts of sea level rise is a state planning and regulatory goal. This bill amends the laws regarding the State's coastal management policies to reflect a new state policy of addressing and planning for the impacts of sea level rise.

Committee Amendment "A" (H-68)

This amendment, which is the majority report of the committee:

1. Removes the sections of the bill that require the inventory and analysis of a comprehensive plan under the growth management program for a coastal municipality or multimunicipal region to include projections regarding sea level rise and its potential impacts;
2. Removes the sections of the bill that require a coastal municipality or multimunicipal region that includes a coastal municipality to develop a coordinated plan for addressing the impacts of changes in sea level as a guideline for policy development and implementation strategies of a comprehensive plan within the growth management plan elements;
3. Provides that a coastal municipality or multimunicipal region that includes a coastal municipality may include projections regarding sea level change and its impacts in its comprehensive plan and may develop a coordinated plan for addressing impacts of changes in sea level;
4. Provides that "coastal municipality" means a municipality or township in the coastal zone as identified by the Department of Agriculture, Conservation and Forestry, Maine Coastal Program; and
5. Amends the bill to clarify that the assessment of and planning for impacts of changes in sea level, instead of sea level rise, are encouraged, instead of addressed, in coastal management policies when state, local and federal agencies responsible for regulating, planning, developing or managing coastal resources conduct activities affecting the coastal area.

LD 450 An Act To Amend the Laws Regarding the Fund for the Efficient Delivery of Local and Regional Services

INDEF PP

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

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This bill changes the funding for the Fund for the Efficient Delivery of Local and Regional Services from General Fund appropriations to monthly transfers of two percent of all receipts transferred to the Local Government Fund before the distributions to municipalities.

This bill was not referred to a committee.

LD 494 An Act Regarding the Maintenance of Easements

ONTP

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

This bill provides that a municipality must maintain a public easement held by the municipality to ensure use and enjoyment in accordance with the definition of a public easement. A municipality must also maintain an easement when a municipality votes affirmatively to make a way an easement for recreational use.

**LD 495 An Act To Make Minor Nonsubstantive Changes to the Laws Affecting
the Office of the State Auditor**

PUBLIC 44

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

This bill makes changes to the laws governing the Office of the State Auditor to repeal obsolete laws and make other minor changes. It does the following:

1. Removes language regarding monthly reporting by the District Court to the State Auditor of court fines, surcharges and assessments and language regarding reporting of fees to the State Auditor by clerks of judicial courts;
2. Restricts the permanent employment of certain officers in the Office of the State Auditor, including the State Auditor, to certified public accountants, certified information systems auditors and certified internal auditors;
3. Updates references to public accountants;
4. Removes language regarding forms prescribed by the Office of the State Auditor that are to be used by clerks of the Superior Court to record certain fines, costs and forfeitures and language regarding the auditing of certain bills and accounts of counties;
5. Repeals language regarding the State Auditor's establishing a process for oversight of local unit of government compliance with state mandates and use of state funds and removes language regarding the Office of the State Auditor's receiving by mail copies of certain notices to municipalities;
6. Changes language regarding the auditing standards of municipal postaudits to replace a reference to the State Auditor, who does not establish auditing standards, with a reference to the United States Government Accountability Office, which does;
7. Makes further changes to the law regarding municipal postaudits to reflect that the Office of the State Auditor is usually not involved with municipal audits, including audits regarding jail supplies;

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- 8. Repeals a provision regarding the State Auditor's reporting of the financial matters of municipalities and quasi-municipal corporations; and
- 9. Changes the laws governing the Board of Emergency Municipal Finance to remove language requiring the State Auditor to determine whether a municipality or unorganized territory is unable to provide for its direct relief and work programs.

Enacted Law Summary

Public Law 2015, chapter 44 makes changes to the laws governing the Office of the State Auditor to repeal obsolete laws and make other minor changes. It does the following:

- 1. Removes language regarding monthly reporting by the District Court to the State Auditor of court fines, surcharges and assessments and language regarding reporting of fees to the State Auditor by clerks of judicial courts;
- 2. Restricts the permanent employment of certain officers in the Office of the State Auditor, including the State Auditor, to certified public accountants, certified information systems auditors and certified internal auditors;
- 3. Updates references to public accountants;
- 4. Removes language regarding forms prescribed by the Office of the State Auditor that are to be used by clerks of the Superior Court to record certain fines, costs and forfeitures and language regarding the auditing of certain bills and accounts of counties;
- 5. Repeals language regarding the State Auditor's establishing a process for oversight of local unit of government compliance with state mandates and use of state funds and removes language regarding the Office of the State Auditor's receiving by mail copies of certain notices to municipalities;
- 6. Changes language regarding the auditing standards of municipal postaudits to replace a reference to the State Auditor, who does not establish auditing standards, with a reference to the United States Government Accountability Office, which does;
- 7. Makes further changes to the law regarding municipal postaudits to reflect that the Office of the State Auditor is usually not involved with municipal audits, including audits regarding jail supplies;
- 8. Repeals a provision regarding the State Auditor's reporting of the financial matters of municipalities and quasi-municipal corporations; and
- 9. Changes the laws governing the Board of Emergency Municipal Finance to remove language requiring the State Auditor to determine whether a municipality or unorganized territory is unable to provide for its direct relief and work programs.

LD 496 Resolve, To Transfer Certain State-owned Property to the Town of East ONTP
Millinocket

Sponsor(s)

STANLEY
DILL

Committee Report

ONTP

Amendments Adopted

This resolve authorizes the State to transfer to the Town of East Millinocket certain parcels of land previously transferred to the State by the Katahdin Paper Company, LLC.

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LD 564 An Act To Establish Appropriate Parameters for County Borrowing Authority Accepted Majority (ONTP) Report

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

This bill provides that a county may obtain loans up to one ten-thousandth of the county's total property valuation instead of being limited to \$10,000. It repeals the exception for Aroostook County whereby Aroostook County is allowed to obtain loans up to \$95,000, but loans over \$10,000 are limited to the purpose of building, rebuilding, altering or improving county-owned real estate and personal property in that real estate.

Committee Amendment "A" (H-126)

This amendment is the minority report of the committee. It provides that a county may obtain loans up to \$192,000 instead of one ten-thousandth of the county's total property valuation as proposed in the bill.

LD 638 An Act To Authorize the Transfer of State-owned Real Estate to the City of Belfast PUBLIC 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU HERBIG	OTP-AM	S-33

This bill authorizes the Adjutant General to sell the Belfast Armory or execute a like-kind exchange of a portion of the Belfast Armory property.

Committee Amendment "A" (S-33)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 37 authorizes the Adjutant General to sell the Belfast Armory or execute a like-kind exchange of a portion of the Belfast Armory property.

LD 641 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County Accepted Majority (ONTP) Report

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

This resolution proposes to amend the Constitution of Maine to reduce the size of the Senate from no more than 35 members to 32 members as a result of reapportioning to two Senators per county. The resolution also requires the redrawing of district lines in 2016.

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LD 681 An Act To Increase the Effectiveness of the Legislature

PUBLIC 102

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES THIBODEAU	OTP-AM	H-93

This bill makes changes to the statutes governing the Legislature.

1. It clarifies that the floor leaders and assistants are from the two political parties with the greatest number of members in each body.
2. It removes the current requirement that the Legislative Council meet at least monthly when the Legislature is not in session. Instead, this bill allows the chair of the Legislative Council to cancel a meeting when the Legislature is not in session if the chair determines that a meeting is not necessary. It retains the ability of the chair of the Legislative Council or the membership of the Legislative Council to call a meeting.
3. Current law provides that the Executive Director of the Legislative Council, the State Law Librarian and other nonpartisan office directors appointed by the Legislative Council are appointed to three-year terms and that reappointment "shall be based on performance in the office;" that language is open to different interpretations. The bill removes the element of the three-year term and specifies that the executive director, the State Law Librarian and other nonpartisan office directors serve at the pleasure of the Legislative Council. It also specifies that both the appointment and the removal of the executive director, the State Law Librarian and other nonpartisan office directors must be by a vote of no fewer than eight members of the Legislative Council.
4. It repeals a transition section for persons holding certain named positions in legislative staff offices in 1985 that no longer exist, making the law unnecessary.
5. It specifies that the executive director coordinates the activities of the nonpartisan legislative staff offices.
6. Current law specifies that a duty of the executive director is to appoint nonpartisan legislative staff; by delegating the authority to officially appoint staff, the Legislative Council is not itself required to officially appoint each staff member. The bill specifies that the appointments must be done in conformity with the policies adopted by the Legislative Council and further specifies that the appointing authority of the executive director applies only to nonpartisan legislative staff.
7. Although the term "legislative staff" is used a number of times in the Maine Revised Statutes, Title 3, chapter 7, the term is not defined to indicate that it is limited to nonpartisan legislative staff when describing the duties of the nonpartisan staff offices and the executive director. The bill corrects that.
8. It removes outdated and duplicative language regarding the updating of the Maine Revised Statutes, which is already required by the Maine Revised Statutes, Title 1, section 92.
9. It removes a reference to a committee that no longer exists and standardizes the reference to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.
10. It specifies that the directors and staff of the Law and Legislative Reference Library, the Office of Program Evaluation and Government Accountability and the Office of Legislative Information Technology are subject to the same restrictions regarding testifying before legislative committees as the members of the other nonpartisan staff offices of the Legislature.

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11. It removes outdated language regarding the printing of the Laws of the State of Maine, also referred to as the session laws, but retains and clarifies the language regarding a revision of the entire Maine Revised Statutes.
12. It removes an outdated provision regarding reporting by the Maine Human Rights Commission.
13. It changes the wording of the statutes regarding the receipt by the executive director of reports from boards and commissions to clarify that the executive director merely forwards the report to the appropriate joint standing committee, instead of referring it, since "refer" has a specific meaning in the Legislature.
14. It specifies that the term of a person appointed to a three-year term as the executive director, the State Law Librarian or a director of a nonpartisan staff office of the Legislature before October 1, 2015 is not affected by the bill's removal of that specified term.
15. It makes other nonsubstantive changes to grammar and format.

Committee Amendment "A" (H-93)

This amendment clarifies that the eight or more members of the Legislative Council required to vote to appoint or to remove from office an Executive Director of the Legislative Council, a State Law Librarian and other office directors must be present at a public meeting to vote and makes a correction to punctuation.

Enacted Law Summary

Public Law 2015, chapter 102 does the following.

1. It clarifies that the floor leaders and assistants are from the two political parties with the greatest number of members in each body.
2. It removes the requirement that the Legislative Council meet at least monthly when the Legislature is not in session, and allows the chair of the Legislative Council to cancel a meeting when the Legislature is not in session if the chair determines that a meeting is not necessary. It retains the ability of the chair of the Legislative Council or the membership of the Legislative Council to call a meeting.
3. Current law provides that the Executive Director of the Legislative Council, the State Law Librarian and other nonpartisan office directors appointed by the Legislative Council are appointed to three-year terms and that reappointment "shall be based on performance in the office;" that language is open to different interpretations. Public Law 2015, chapter 102 removes the element of the three-year term and specifies that the executive director, the State Law Librarian and other nonpartisan office directors serve at the pleasure of the Legislative Council. It also specifies that both the appointment and the removal of the executive director, the State Law Librarian and other nonpartisan office directors must be by a vote of no fewer than eight members present at a public meeting of the Legislative Council.
4. It repeals a transition section for persons holding certain named positions in legislative staff offices in 1985 that no longer exist, making the law unnecessary.
5. It specifies that the executive director coordinates the activities of the nonpartisan legislative staff offices.
6. Current law specifies that a duty of the executive director is to appoint nonpartisan legislative staff; by delegating the authority to officially appoint staff, the Legislative Council is not itself required to officially appoint each staff member. Public Law 2015, chapter 102 specifies that the appointments must be done in conformity with the policies adopted by the Legislative Council and further specifies that the appointing authority of the executive director applies only to nonpartisan legislative staff.
7. Although the term "legislative staff" is used a number of times in the Maine Revised Statutes, Title 3, chapter 7,

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the term is not defined to indicate that it is limited to nonpartisan legislative staff when describing the duties of the nonpartisan staff offices and the executive director. Public Law 2015, chapter 102 corrects that.

8. It removes outdated and duplicative language regarding the updating of the Maine Revised Statutes, which is already required by the Maine Revised Statutes, Title 1, section 92.
9. It removes a reference to a committee that no longer exists and standardizes the reference to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.
10. It specifies that the directors and staff of the Law and Legislative Reference Library, the Office of Program Evaluation and Government Accountability and the Office of Legislative Information Technology are subject to the same restrictions regarding testifying before legislative committees as the members of the other nonpartisan staff offices of the Legislature.
11. It removes outdated language regarding the printing of the Laws of the State of Maine, also referred to as the session laws, but retains and clarifies the language regarding a revision of the entire Maine Revised Statutes.
12. It removes an outdated provision regarding reporting by the Maine Human Rights Commission.
13. It changes the wording of the statutes regarding the receipt by the executive director of reports from boards and commissions to clarify that the executive director merely forwards the report to the appropriate joint standing committee, instead of referring it, since "refer" has a specific meaning in the Legislature.
14. It specifies that the term of a person appointed to a three-year term as the executive director, the State Law Librarian or a director of a nonpartisan staff office of the Legislature before October 1, 2015 is not affected by the bill's removal of that specified term.
15. It makes other nonsubstantive changes to grammar and format.

LD 724 An Act To Authorize Municipal Fire Districts To Impose Service Charges ONTP

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

This bill authorizes municipalities to create by ordinance municipal fire districts that may charge service charges for fire protection. The bill also authorizes municipalities to collect service charge revenue, as an alternative to property tax revenue, for the purpose of financing multimunicipal fire districts.

LD 732 Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Orono and Thomaston RESOLVE 28

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE MARTIN R	OTP-AM	S-186 S-214 WILLETTE

This resolve gives the Commissioner of Administrative and Financial Services authority to sell or lease the property identified as the District Courthouse in Augusta, the Daschlager House in Augusta, the McLean House in Augusta, the Smith-Merrill House in Augusta, the Elizabeth Levinson Center in Bangor and the Ship Street Houses in

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Thomaston.

Committee Amendment "A" (S-186)

This amendment changes the title of the resolve. The resolve provides the authority to the Commissioner of Administrative and Financial Services to sell or lease properties in Augusta, Bangor and Thomaston. The amendment removes four properties in Augusta from the list. The properties removed are the property identified as the District Courthouse, the Daschlager House, the McLean House and the Smith-Merrill House.

Senate Amendment "A" To Committee Amendment "A" (S-214)

This amendment gives the Commissioner of Administrative and Financial Services authority to sell or lease the property formerly known as the Maine State Police Barracks in the Town of Orono.

Enacted Law Summary

Resolve 2015, chapter 28 gives the Commissioner of Administrative and Financial Services authority to sell or lease the property identified as the Elizabeth Levinson Center in Bangor, the Ship Street Houses in Thomaston and the Maine State Police Barracks in the Town of Orono.

LD 741 An Act To Provide Expanded Powers to the Executive Director of the Kennebec Regional Development Authority Leave to Withdraw Pursuant to Joint Rule

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

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

This bill proposes to provide expanded powers to the Executive Director of the Kennebec Regional Development Authority.

LD 780 Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey the Parcel of Land in Kittery Known as John Paul Jones Memorial Park to the Town of Kittery RESOLVE 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL RYKERSON	OTP-AM	S-80

This resolve authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to gift the state property known as John Paul Jones Memorial Park to the Town of Kittery. It restricts the use of the property to public noncommercial governmental purposes, and the property reverts to the Department of Agriculture, Conservation and Forestry if used otherwise. The resolve also gives the department right of first refusal in perpetuity to take the property back if the Town of Kittery proposes to transfer the property to a third party not affiliated with the town.

Committee Amendment "A" (S-80)

This amendment specifies that the property to be conveyed pursuant to the resolve must continue to be used and managed for public noncommercial governmental purposes as a public park, replacing language that stated the property is to be used for public noncommercial governmental purposes only.

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Enacted Law Summary

Resolve 2015, chapter 24 authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to gift the state property known as John Paul Jones Memorial Park to the Town of Kittery. The property must continue to be used and managed for public noncommercial governmental purposes as a public park, and the property reverts to the Department of Agriculture, Conservation and Forestry if used otherwise. Resolve 2015, chapter 24 also gives the department right of first refusal in perpetuity to take the property back if the Town of Kittery proposes to transfer the property to a third party not affiliated with the town.

LD 785 An Act To Provide for Legislative Review of Federally Mandated Major ONTP
Substantive Rules under the Maine Administrative Procedure Act

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

This bill repeals the provision of law that exempts from legislative review major substantive rules that must be adopted to comply with federal law or to qualify for federal funds.

LD 857 An Act To Prohibit Public Endorsement of Candidates for Office by ONTP
County Employees and Elected Officials

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

This bill prohibits elected county officers, elected county officials and county employees from advocating expressly for the election or defeat of a candidate for a federal or constitutional office or of a candidate for partisan elective municipal, county or state office. The bill also prohibits elected county officers, elected county officials and county employees from soliciting contributions for a political campaign.

LD 862 An Act To Clarify Who May Authorize Repairs in a Burying Ground PUBLIC 294

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING MARTIN R	OTP-AM	S-285

This bill allows the next of kin of a deceased person, in addition to a lineal descendent, to authorize the repair, maintenance or removal of a memorial to the deceased. This bill also allows a memorial to be moved if it is in poor condition or the preservation of the memorial cannot be guaranteed in its present location.

Committee Amendment "A" (S-285)

This amendment makes the following changes to the bill.

1. It establishes an order of persons from whom authorization or approval must be sought prior to repairing or removing a memorial. After obtaining approval of the owner or operator of the cemetery or burial ground, if one exists, a person first must seek the authorization of the owner of the burial lot or a lineal descendant of the deceased buried there; if unable to obtain that authorization, the person must seek the authorization of a next of kin of the deceased; if unable to obtain that authorization, the person must obtain the approval of the municipality or, if the

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memorial is in unorganized territory, the county in which the cemetery or burial ground is located.

2. It requires that all costs associated with repair, maintenance or removal of a memorial must be paid by the person or entity requesting the repair, maintenance or removal.

3. It provides that the owner, operator or caretaker of a burial lot or a cemetery association that authorizes removal of a memorial is not responsible or liable for the location or care of the memorial.

Enacted Law Summary

Public Law 2015, chapter 294 does the following.

1. It establishes an order of persons from whom authorization or approval must be sought prior to repairing or removing a memorial. After obtaining approval of the owner or operator of the cemetery or burial ground, if one exists, a person first must seek the authorization of the owner of the burial lot or a lineal descendant of the deceased buried there; if unable to obtain that authorization, the person must seek the authorization of a next of kin of the deceased; if unable to obtain that authorization, the person must obtain the approval of the municipality or, if the memorial is in unorganized territory, the county in which the cemetery or burial ground is located.

2. It requires that all costs associated with repair, maintenance or removal of a memorial must be paid by the person or entity requesting the repair, maintenance or removal.

3. It provides that the owner, operator or caretaker of a burial lot or a cemetery association that authorizes removal of a memorial is not responsible or liable for the location or care of the memorial.

LD 874 An Act To Provide Transparency and Accountability of Taxpayer Funds ONTP

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

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

This bill proposes to establish a public online registry of all state and federal grants and low-interest or no-interest loans given to residents, businesses, municipalities and nonprofit organizations in this State. The registry would be searchable by a resident's name, municipality name, business name or organization's name. The registry would include the state or federal agency giving the grant or loan and the amount, terms and purpose of the grant or loan.

LD 897 An Act To Move a Township from House District 150 to House District 151 INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J	OTP-AM	H-188

Currently, Township 14, Range 6 is located in House District 150. This bill places Township 14, Range 6 in House District 151.

Committee Amendment "A" (H-188)

This amendment clarifies that Township 14, Range 6 is included in the unorganized territory of Northwest Aroostook in House District 151.

Joint Standing Committee on State and Local Government

LD 909 An Act To Help Older Adults Age in Place through Comprehensive Planning

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE BURNS	OTP-AM ONTP	H-299

This bill encourages municipalities to develop policies that assist older adults with aging in place and that create age-friendly communities. It amends the law governing comprehensive plans by encouraging municipalities to plan for the needs of older adults in their communities.

Committee Amendment "A" (H-299)

This amendment is the majority report of the committee and does the following:

1. Provides that the inventory and analysis section of a comprehensive plan may include an evaluation of whether available housing meets the needs of older adults to help them age in place;
2. Amends the provision in the bill that identifies a guideline related to aging in place for municipalities to employ in developing land use strategies; and
3. Strikes the guideline in the bill and directs municipalities to consider the adoption of land use policies that help older adults age in place by addressing issues of special concern to older adults.

LD 915 An Act To Facilitate Long-range Planning in Certain Municipalities

ONTP

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

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

This bill proposes to enact measures designed to facilitate the ability of so-called "one-industry towns" to plan for, and recover from, the closure of that one industry. The measures proposed by the bill may include, but are not limited to:

1. The imposition of a fee on any ancillary commodity produced by the industry, such as hydropower produced by a mill, and remitting the amount of the fee to the town;
2. A requirement that municipalities that are reliant on a single industry develop, with representatives of the industry, a long-term plan for the industry and any ancillary commodity produced by the industry; and
3. A requirement that an industry provide municipal officials written notice of its plan to terminate its business at least 90 days prior to the intended termination.

Joint Standing Committee on State and Local Government

LD 916 An Act To Establish a Private Support Organization for the Maine Commission for Community Service

PUBLIC 94

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

This bill directs the Maine Commission for Community Service to designate a nonprofit corporation as the private support organization for the commission to support the commission's work. The private support organization would be formed exclusively to receive, hold, invest and administer property and funds and to make expenditures to and for the benefit of the commission.

Enacted Law Summary

Public Law 2015, chapter 94 directs the Maine Commission for Community Service to designate a nonprofit corporation as the private support organization for the commission to support the commission's work. The private support organization would be formed exclusively to receive, hold, invest and administer property and funds and to make expenditures to and for the benefit of the commission.

LD 957 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General, Secretary of State and Treasurer of State

ONTP

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

This resolution proposes a constitutional amendment that provides for direct popular election beginning in 2016 of the Secretary of State, the Treasurer of State and the Attorney General biennially in the manner currently provided for Senators and Representatives.

LD 972 An Act To Provide for the Nonpartisan Election of County Officials

Accepted Majority (ONTP) Report

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

This bill requires that a county commissioner, county treasurer, district attorney, sheriff and register of deeds must all be elected on a nonpartisan ballot and that a vacancy in any of those offices must be filled without regard to political affiliation.

Committee Amendment "A" (H-125)

This amendment is the minority report and removes the provisions in the bill requiring that a county commissioner and a district attorney be elected on a nonpartisan ballot and that a vacancy in either office be filled without regard to political affiliation. It leaves the requirement in the bill that a county treasurer, sheriff and register of deeds be elected on a nonpartisan ballot and that a vacancy in any of those offices be filled without regard to political affiliation.

Joint Standing Committee on State and Local Government

LD 999 **An Act To Ensure Proper Adoption of Rules by All Departments,
Agencies and Boards**

**Died Between
Houses**

Sponsor(s)

SIROCKI

Committee Report

ONTP
OTP-AM

Amendments Adopted

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

This bill proposes to prohibit rule-making authority for rules having the force of law when the provisions of those rules are not enacted by the Legislature or are otherwise inconsistent with the legislative powers enumerated in the Constitution of Maine, Article IV.

As proposed in this bill, departments, agencies, boards, commissions and quasi-governmental entities may establish rules only for the purposes of performing the duties charged to them; any rules outside the scope of this authority must be submitted to the Legislature within one year of the effective date of this bill for enactment into law by the Legislature. Any such rules not enacted by the Legislature within two years of the effective date of this bill are considered void and without force of law.

Committee Amendment "A" (H-300)

This amendment, which is the minority report of the committee:

1. Strikes and replaces the bill with a resolve and changes the title;
2. Establishes the Commission on Rulemaking Oversight to study rule-making authority for independent state agencies;
3. Sets up the membership of the commission, which consists of 10 members, including four members of the Senate, four members of the House of Representatives, the Commissioner of Administrative and Financial Services or the commissioner's designee and a representative from the Governor's office appointed by the Governor;
4. Requires that the commission identify current rule-making authority and the statutory references that provide the authority for each independent state agency; categorize each independent state agency based on whether or not a department provides oversight of the independent state agency's rule-making process; and identify the department that provides oversight of the independent state agency's rule-making process for those independent state agencies overseen by a department;
5. Requires the commission to develop recommendations for any changes to routine technical rule-making authority of independent state agencies;
6. Requires the Legislative Council to provide necessary staffing services to the commission; and
7. Requires the commission to submit a report by December 2, 2015 with its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

Joint Standing Committee on State and Local Government

LD 1008 An Act To Extend Options for Publicly Funded Projects

**Died Between
Houses**

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

This bill extends the provision of law regarding the award of public works contracts without regard to agreements with labor organizations by 10 years to October 1, 2025.

**LD 1012 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Increase the Length of Terms of Senators**

ONTP

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

This constitutional resolution increases the length of the terms of State Senators from two years to four years, beginning with the Senators elected in 2016 except that, in order to stagger the elections so that roughly half of the Senate is up for election every two years, Senators from odd-numbered districts will not begin serving a four-year term until the 2018 election.

LD 1046 An Act To Penalize Legislators for Excessive Absences

PUBLIC 134

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER PIERCE J	OTP-AM ONTP	S-66

This bill requires that a member of the Legislature be penalized by having that member's salary reduced for each legislative day the member is absent without leave after five days of absence in the first regular session and after three days of absence in the second regular session, in an amount to be determined by the Legislative Council.

Committee Amendment "A" (S-66)

This amendment requires the Legislative Council at the beginning of each Legislature to establish policies and procedures to record attendance for each legislative day and set the salary reduction mentioned in the bill for members who are absent without leave for more than five legislative days in the first regular session and for more than three legislative days in the second regular session.

Enacted Law Summary

Public Law 2015, chapter 134 requires that a member of the Legislature be penalized by having that member's salary reduced for each legislative day the member is absent without leave for a specified number of legislative days. It requires the Legislative Council at the beginning of each Legislature to establish policies and procedures to record attendance for each legislative day and set the salary reduction for members who are absent without leave for more than five legislative days in the first regular session and for more than three legislative days in the second regular session.

Joint Standing Committee on State and Local Government

LD 1103 Resolve, To Study Understaffing in State Agencies

**Died Between
Houses**

Sponsor(s)

ROTUNDO

Committee Report

OTP-AM
ONTP

Amendments Adopted

This bill directs the Department of Administrative and Financial Services to collect and compile information concerning staffing of all the departments of the State and review any available studies comparing private sector positions and pay with comparable state positions and pay for comparable work and to report its findings to the Joint Standing Committee on State and Local Government.

Committee Amendment "A" (H-380)

This amendment is the majority report of the committee. It allows the Joint Standing Committee on State and Local Government to report out a bill related to the Department of Administrative and Financial Services report in the resolve to the Second Regular Session of the 127th Legislature.

**LD 1161 Resolve, To Modify the Deed for a Parcel of Property in the Town of
Carrabassett Valley**

**RESOLVE 17
EMERGENCY**

Sponsor(s)

SAVIELLO
BUCKLAND

Committee Report

OTP

Amendments Adopted

This resolve amends Resolve 1999, chapter 41, which authorized the conveyance of 1,203 acres from the State to the Town of Carrabassett Valley. The conveyance is subject to use restrictions, such as a requirement that the land be used for public outdoor recreation and that development for overnight accommodations, except camping, and commercial uses is expressly prohibited.

This resolve allows the town to lease no more than two acres of the conveyed parcel to a nonprofit corporation for the development of an outdoor recreational and educational center for use by persons with developmental and physical disabilities. The development may include residential and overnight accommodations and dining facilities for the use of staff and guests at the center, and the nonprofit corporation may charge a fee for the use of the accommodations. The Director of the Bureau of Parks and Lands in the Department of Agriculture, Conservation and Forestry is directed to change the deed in accord with the changes made by this resolve.

Enacted Law Summary

Resolve 2015, chapter 17 amends Resolve 1999, chapter 41, which authorized the conveyance of 1,203 acres from the State to the Town of Carrabassett Valley. The conveyance is subject to use restrictions, such as a requirement that the land be used for public outdoor recreation and that development for overnight accommodations, except camping, and commercial uses is expressly prohibited.

This resolve allows the town to lease no more than two acres of the conveyed parcel to a nonprofit corporation for the development of an outdoor recreational and educational center for use by persons with developmental and physical disabilities. The development may include residential and overnight accommodations and dining facilities for the use of staff and guests at the center, and the nonprofit corporation may charge a fee for the use of the accommodations. The Director of the Bureau of Parks and Lands in the Department of Agriculture, Conservation and Forestry is directed to change the deed in accord with the changes made by this resolve.

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Resolve 2015, chapter 17 was finally passed as an emergency measure effective May 26, 2015.

LD 1166 An Act To Protect Taxpayers by Regulating Personal Services Contracts

PUBLIC 345

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN R PATRICK	OTP-AM ONTP	H-170 S-321 HAMPER

This bill requires the Director of the Bureau of General Services to coordinate with all state departments and agencies to make cost-savings information available on the department's website for the winners of all competitively bid service contracts for the State. Cost-savings information for a contract with a new contractor must, where applicable, include the projected savings of the contract over the State's costs of providing the same service and include the amount of savings over the previous contractor. Cost-savings information for a contract with a contractor renewing or extending a contract for the first time must include details of the expiring contract's cost savings and details of continued cost-savings at or below costs in the current contract adjusted for inflation. Cost-savings information for a contract with a contractor renewing or extending a contract beyond a first renewal or extension must include details on continued cost-savings at or below costs in the current contract adjusted for inflation. This bill requires that the Director of the Bureau of General Services, with the approval of the Commissioner of Administrative and Financial Services, establish practices and procedures to make the cost-savings information available on the department's website and gives the director the authority to do this by rule.

Committee Amendment "A" (H-170)

This amendment is the majority report of the committee and adds an appropriations and allocations section to the bill which includes funds for one Management Analyst II position.

Senate Amendment "A" To Committee Amendment "A" (S-321)

This amendment reduces the position in the Department of Administrative and Financial Services, Bureau of General Services, division of purchases from one full-time position to a half-time position.

Enacted Law Summary

Public Law 2015, chapter 345 requires the Director of the Bureau of General Services to coordinate with all state departments and agencies to make cost-savings information available on the department's website for the winners of all competitively bid service contracts for the State. Cost-savings information for a contract with a new contractor must, where applicable, include the projected savings of the contract over the State's costs of providing the same service and include the amount of savings over the previous contractor. Cost-savings information for a contract with a contractor renewing or extending a contract for the first time must include details of the expiring contract's cost savings and details of continued cost-savings at or below costs in the current contract adjusted for inflation. Cost-savings information for a contract with a contractor renewing or extending a contract beyond a first renewal or extension must include details on continued cost-savings at or below costs in the current contract adjusted for inflation. Public Law 2015, chapter 345 requires that the Director of the Bureau of General Services, with the approval of the Commissioner of Administrative and Financial Services, establish practices and procedures to make the cost-savings information available on the department's website and gives the director the authority to do this by rule.

LD 1190 An Act To Amend the Androscoggin County Charter

CARRIED OVER

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

Joint Standing Committee on State and Local Government

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

This bill proposes to amend the Androscoggin County charter.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1206 An Act To Allow County Corrections Officers To Participate in the CARRIED OVER
Retired County and Municipal Law Enforcement Officers and
Municipal Firefighters Health Insurance Program

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

This bill allows county corrections officers to participate in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program and renames the program and related fund accordingly.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1212 An Act To Support Transparency in Government through the Maine Died On
Capitol Connection Channel Program Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J CUSHING	OTP-AM ONTP	H-127

This bill provides ongoing funds to the Maine Public Broadcasting Network to operate the Maine Capitol Connection channel.

Committee Amendment "A" (H-127)

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

LD 1274 An Act To Allow the Governor To Review Routine Technical Rules ONTP

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

This bill requires all routine technical rules to be provisionally adopted for 12 months following proposal. During this period, the Governor may refer the rule to the joint standing committee of the Legislature having jurisdiction over the subject matter of the rule for review in the same manner as a major substantive rule.

Joint Standing Committee on State and Local Government

LD 1286 An Act To Ensure the Use of Environmentally Responsible Insulation Materials in Taxpayer-funded Building Projects

CARRIED OVER

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

This bill requires the use of insulation with a low global-warming potential for all state-funded new building construction and substantial renovations of existing buildings. This bill also specifies that school administrative units, the Department of Administrative and Financial Services, Bureau of General Services, Division of Purchases, University of Maine System, Maine Community College System, the Maine State Housing Authority and the Efficiency Maine Trust must use or require to be used low global-warming potential insulation in any state-funded new building construction or substantial renovation, or any building constructed for the purpose of leasing, or the substantial renovation of a leased building.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1298 An Act Relating to the Creation of Public-private Facilities and Infrastructure

CARRIED OVER

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

This bill authorizes and establishes a framework for governmental entities to enter into agreements with private entities and persons to develop or operate qualifying projects, including, but not limited to, ferries, mass transit facilities, vehicle parking facilities, port facilities, power generation facilities, fuel supply facilities, oil or gas pipelines, water supply facilities, public works facilities, waste treatment facilities, hospitals, schools, medical facilities, nursing care facilities and recreational facilities.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1325 An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road

CARRIED OVER

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

This bill changes the laws governing discontinued and abandoned roads.

Under current law, a presumption of abandonment exists if a municipality fails to keep a way passable for the use of motor vehicles at the expense of the municipality for a period of 30 or more years. This bill eliminates that presumption for ways that have not met that statutory requirement by January 1, 2020. Instead, for all other public ways, the bill provides a new discontinuance process, which will be the only means for a municipality to actively terminate its interests in a public way. The new discontinuance process specifies five steps a municipality must follow to discontinue a road: the notification of proposed discontinuance to the abutting property owners; a meeting of municipal officers to discuss the proposed discontinuance and the filing of an order of discontinuance specifying whether or not there will be a public easement and any public use restrictions or municipal maintenance and liability responsibilities for the public easement; a public hearing on the discontinuance; approval of the order of

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discontinuance by the municipal legislative body; and the filing of the certificate of discontinuance by the municipal clerk in the registry of deeds and with the municipality. The bill requires the abutters of a public easement that is discontinued to be granted a right-of-way. The municipality may charge a reasonable fee to fulfill any request for records obtained by the municipality from the registry of deeds.

The bill continues to exempt a municipality from liability for nonperformance of a legal duty with respect to a town or county way that has not been kept passable for the use of motor vehicles at the expense of that municipality for a period of 30 or more years.

It requires that a public easement must be retained in a discontinued road if abutting property owners need to use it to access their property. It also provides that a public utility easement will be in place whenever a road is discontinued, regardless of whether a public easement is retained.

A way that is presumptively abandoned retains a public easement, as is the default position under current law. The bill does not modify common law abandonment.

The bill allows a municipality to prepare a list of all town ways in that municipality that are currently maintained with public funds; a list of all town ways that have been discontinued since 1965 and whether or not a public easement was retained, if known; and a list of all town ways that have been abandoned since 1965 and whether or not a public easement was retained, if known. If a municipality prepares a list, the municipality must publish the list on its publicly accessible website or make copies available at the municipal office, for which the municipality may charge a reasonable fee. The municipality must record the list at the county registry of deeds.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1328 An Act To Clarify the Ownership of and Access to Ancient and Family Burying Grounds

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

CUSHING
TEPLER

This bill creates the following provisions:

1. A municipality or its caretaker may access an ancient burying ground on privately owned land annually or as determined by the municipality or its designated caretaker;
2. A municipality or its designated caretaker may use photography, video recording, geographic positioning systems and transcription of grave marker inscriptions to document condition and preserve historic information in a burying ground;
3. A municipality or its designated caretaker may use ground-penetrating radar or other methods to determine the location of unmarked graves and cemetery boundaries;
4. A person who owns land that contains an ancient burying ground must provide a descendant or relative of a person buried in the ancient burying ground, or a descendant or relative's designated agent, access to the ancient burying ground for the purposes of protecting or preserving it;
5. A municipal clerk of the municipality where an ancient burying ground is located must notarize a document allowing access to an ancient burying ground on privately owned land to a descendant or relative of a person buried in an ancient burying ground or the designated agent of the descendant or relative by the person who owns the parcel of land;

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6. A descendant or relative of a person buried in an ancient burying ground, or the agent of a descendant or relative, may use photography, video recording, geographic positioning systems and transcription of grave marker inscriptions to document condition and preserve historic information in the burying ground. A descendant or relative of a person buried in an ancient burying ground, or the designated agent of a descendant or relative, may also erect and repair fencing and repair gravestones;
7. A descendant or relative of a person buried in an ancient burying ground or the designated agent of a descendant or relative may employ a person to use ground-penetrating radar or other methods to determine the location of unmarked graves and cemetery boundaries;
8. The inability to locate a record of a burying ground at a registry of deeds in the county in which the burying ground is located or in the records of the municipal clerk of the municipality in which the burying ground is located does not negate ownership of the burying ground;
9. If a descendant or relative of a person buried in the burying ground, or the designated agent of a descendant or relative, a municipality or its designated agent, a historical society, a lineage society or the faculty of an educational institution is unable to locate records of a burying ground, that individual or entity may file a description of the location and boundaries of the burying ground, along with supporting documentation, with the municipal clerk of the municipality where the burying ground is located;
10. The inability to locate a record of a family burying ground at a registry of deeds of the county in which the family burying ground is located or in the records of the municipal clerk of the municipality in which the family burying ground is located does not negate ownership of a family burying ground by descendants or relatives of a person buried in the family burying ground;
11. A descendant or relative of a person buried in a family burying ground, or the designated agent of a descendant or relative, may file a description of the location and boundaries of the burying ground, along with supporting documentation, with the municipal clerk of the municipality where the burying ground is located. If a descendant or relative of a person buried in a family burying ground cannot be located, the municipality or its designated agent, a historical society, a lineage society or the faculty of an educational institution may file the description of the burying ground;
12. A descendant or relative of a person buried in a family burying ground, or the designated agent of a descendant or relative, may use photography, video recording, geographic positioning systems and transcription of grave marker inscriptions to document condition and preserve historic information in the burying ground. A descendant or relative of a person buried in a family burying ground, or the designated agent of a descendant or relative, may also erect and repair fencing and repair gravestones;
13. A descendant or relative of a person buried in a family burying ground, or the designated agent of a descendant or relative, may employ a person to use ground-penetrating radar or other methods to determine the location of unmarked graves and cemetery boundaries;
14. A relative of a person interred in a family burying ground is given an easement to access the burying ground if a property surrounding the burying ground is conveyed in a way that makes it inaccessible from any public way. Current statute already gives this benefit to the spouse, ancestors and descendants of a person interred in a family burying ground. Under this bill, the easement may be used only during daylight hours, and the property owner must designate the direct route a person must use to access the family burying ground; and
15. The property owner who gives access to the spouse, ancestors, descendants and relatives of a person interred in a family burying ground is not liable for any injuries sustained by a person accessing the burying ground by the designated direct route or within the boundaries of the burying ground.

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This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1347 An Act To Implement Recommendations of the Government Oversight Committee To Clarify That Competitive Bid Provisions Apply to Grant Awards

PUBLIC 179

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

This bill implements a recommendation of the Government Oversight Committee stemming from the Office of Program Evaluation and Government Accountability report on Healthy Maine Partnerships' fiscal year 2013 contracts and funding. The bill adds the word "grant" where applicable to clarify that the statutory provisions requiring competitive bidding, and related provisions, apply to grant awards as well as contracts.

Enacted Law Summary

Public Law 2015, chapter 179 implements a recommendation of the Government Oversight Committee stemming from the Office of Program Evaluation and Government Accountability report on Healthy Maine Partnerships' fiscal year 2013 contracts and funding. Public Law 2015, chapter 179 adds the word "grant" where applicable to clarify that the statutory provisions requiring competitive bidding, and related provisions, apply to grant awards as well as contracts.

LD 1354 An Act To Improve the Maine Administrative Procedure Act

Died Between Houses

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

This bill amends the Maine Administrative Procedure Act as follows.

1. It repeals a requirement that rules be approved for form and legality by the Attorney General and adds a requirement that rules be submitted to the Attorney General for advice as to form and legality.
2. It changes a statutory provision, which previously provided that the Attorney General may not approve a rule if it is reasonably expected to result in a taking of private property except under certain conditions, to provide that an agency may not adopt a rule if it is reasonably expected to result in such a taking.
3. It changes notice requirements, which previously provided that notice and copies of proposed rules be provided by mail unless the requestor specified they be provided electronically, to provide that notice and copies of proposed rules be provided electronically unless the requestor specifies they be provided by mail.
4. It allows for electronic submission of certain rule-making information.
5. It enacts a provision that allows an agency to choose to incorporate by reference subsequent amendments to a code, standard, rule or regulation.
6. This bill also corrects cross-references.

Committee Amendment "A" (H-301)

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This amendment, which is the minority report of the committee, retains the provision in the bill that allows an agency to incorporate by reference subsequent amendments to a code, standard, rule or regulation and adds a requirement that the exact title, edition or version and date of publication containing the subsequently incorporated amendment are included in notification materials provided to required parties. The amendment also requires the agency to certify to the Secretary of State that the agency has provided notice to the general public on its publicly accessible website and indicated where copies of the amended material may be obtained at cost. It also specifies that the subsequently incorporated amendment will take effect five days after notice is filed with the Secretary of State. The amendment removes provisions in the bill that removed the Attorney General's authority in the rule-making process. The provisions in the bill that are retained in the amendment include provisions that change notice requirements to provide that notice and copies of proposed rules be provided electronically unless the requestor specifies they be provided by mail and allow for electronic submission of certain rule-making information.

LD 1377 *Resolve, To Establish the Commission To Study the Reduction of Unfunded and Outdated Municipal Mandates* **Died Between Houses**

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

This resolve establishes the Commission to Study the Reduction of Unfunded and Outdated Municipal Mandates. The commission is required to meet at least twice a year for two years to review unfunded and outdated municipal mandates in order to provide recommendations and to report out a list of mandates for the Legislature to consider eliminating or revising.

Committee Amendment "A" (S-212)

This amendment is the minority report of the committee and makes the following changes to the resolve.

1. It states that the commission must meet between two and four times per year instead of at least twice as stated in the bill.
2. It states that Legislative Council staff support is not authorized when the Legislature is in regular or special session.
3. It requires the commission to submit its report no later than December 6, 2017 instead of December 31, 2017 as in the resolve.
4. It allows the joint standing committee of the Legislature having jurisdiction over state and local government matters to report out a bill related to the report to the Second Regular Session of the 128th Legislature.

LD 1378 *An Act To Amend the Laws Governing the Issuance of Bonds and To Effectuate the Issuance of Bonds To Support Maine's Natural Resource-based Economy* **Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ MARTIN J	OTP-AM ONTP	S-247

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

1. It requires the Governor to issue a general obligation bond that has been ratified by the legal voters of the State

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unless one of five specific conditions exist, and it requires the Governor to provide certain information upon delaying or forgoing issuance of a bond.

- 2. It eliminates the requirement that registered bonds bear the facsimile signature of the Governor.
- 3. It requires the Treasurer of State to issue bonds described in Public Law 2009, chapter 414, Part E, section 6, as amended by Public Law 2009, chapter 645, Part J, section 3, and Public Law 2011, chapter 696, section 6 and ratified by the voters of the State in statewide elections held in November 2010 and November 2012, respectively.

Committee Amendment "A" (S-247)

This amendment is the majority report of the committee. It removes the two sections of the bill that require the issuance of specific general obligation bonds and instead states that the bill applies to all general obligation bonds ratified by the voters but as yet unissued as well as all future general obligation bonds ratified by the voters.

LD 1390 An Act To Amend the Boundaries of the Capitol Area

**PUBLIC 168
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE TURNER	OTP-AM	S-179

This bill redefines the boundaries of the Capitol Area to exclude property located northerly of Capitol Street and westerly of Sewall Street in the City of Augusta. The greater part of the property excluded by this bill is occupied by the Department of Transportation's former motor transport facility. This bill will expedite the sale of the motor transport property by removing some of the restrictions imposed by the Capitol Planning Commission and making the property more attractive to potential business developers.

Committee Amendment "A" (S-179)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 168 redefines the boundaries of the Capitol Area to exclude property located northerly of Capitol Street and westerly of Sewall Street in the City of Augusta. The greater part of the property excluded is occupied by the Department of Transportation's former motor transport facility. Public Law 2015, chapter 168 will expedite the sale of the motor transport property by removing some of the restrictions imposed by the Capitol Planning Commission and making the property more attractive to potential business developers.

Public Law 2015, chapter 168 was enacted as an emergency measure effective June 12, 2015.

LD 1395 An Act To Implement the Recommendations of the Government Oversight Committee To Ensure Legislative Review of Reports Submitted by Quasi-independent State Agencies

PUBLIC 253

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-298

This bill seeks to enhance legislative oversight of quasi-independent state entities by ensuring that joint standing committees of jurisdiction are monitoring the entities' compliance with requirements in the Maine Revised Statutes, Title 5, sections 12022 and 12023, and alerting the Government Oversight Committee to any concerns identified. The statutory requirements address expectations for quasi-independent state entities with regard to procurement

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practices, payments for membership dues and fees, gifts, donations and sponsorships and travel, meal and entertainment expenses. This bill provides for review of those reports by those committees and their communicating to the Government Oversight Committee the results of the reviews and areas identified that should be reviewed in more depth.

Committee Amendment "A" (H-298)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 253 seeks to enhance legislative oversight of quasi-independent state entities by ensuring that joint standing committees of jurisdiction are monitoring the entities' compliance with requirements in the Maine Revised Statutes, Title 5, sections 12022 and 12023, and alerting the Government Oversight Committee to any concerns identified. The statutory requirements address expectations for quasi-independent state entities with regard to procurement practices, payments for membership dues and fees, gifts, donations and sponsorships and travel, meal and entertainment expenses. Public Law 2015, chapter 253 provides for review of those reports by those committees and their communicating to the Government Oversight Committee the results of the reviews and areas identified that should be reviewed in more depth.

**LD 1417 RESOLUTION, Proposing an Amendment to the Constitution of Maine Accepted Majority
To Change the Selection Process for the Attorney General (ONTP) Report**

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

This resolution proposes to amend the Constitution of Maine to change the selection process for the Attorney General. Currently, the Attorney General is selected by the Legislature. This resolution proposes that the Governor nominate and appoint the Attorney General, subject to confirmation by the Senate.

Committee Amendment "A" (H-392)

This amendment is the minority report and changes the effective date the amendment becomes part of the Constitution of Maine from the date of the proclamation, as stated in the resolution, to December 1, 2016 to allow the current Attorney General, who was elected by the Legislature, to finish the term.

**LD 1418 RESOLUTION, Proposing an Amendment to the Constitution of Maine Accepted Majority
To Provide for a Lieutenant Governor and Change the Line of (ONTP) Report
Succession for Governor**

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

This resolution proposes to amend the Constitution of Maine to eliminate the position of Secretary of State and replace it with the position of Lieutenant Governor, to be elected by popular vote and on the same ballot as is the Governor. Under this resolution, a person serving as Lieutenant Governor:

1. Is limited to serving two consecutive terms;
2. Is subject to the same eligibility requirements as is the Governor;

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3. Is first in line of succession to the position of Governor in the event of the Governor's death, resignation or removal from office; and
4. Is responsible for the duties currently held by the Secretary of State regarding storing and archiving official state records, overseeing elections and voting processes and overseeing the citizen's initiative and people's veto processes.

Committee Amendment "A" (H-427)

This amendment is the minority report of the committee. The amendment:

1. Delays the effective date for the changes approved by the voters at the November 2015 election until January 2018. The changes apply to the statewide election in November 2018;
2. Requires the Secretary of State in office on December 31, 2017 to continue to carry out the duties of the Secretary of State until a Lieutenant Governor takes office on January 2, 2019. These duties include those identified as duties of the Lieutenant Governor in the Constitution of Maine once the resolution goes into effect; and
3. Simplifies the ballot question.

**LD 1419 RESOLUTION, Proposing an Amendment to the Constitution of Maine Accepted Majority
 To Change the Selection Process for the Treasurer of State (ONTP) Report**

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

This resolution proposes to amend the Constitution of Maine to change the selection process for the Treasurer of State. Currently, the Treasurer of State is selected by the Legislature. This resolution proposes that the Governor nominate and appoint the Treasurer of State, subject to confirmation by the Senate.

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SUBJECT INDEX

Cemeteries

Enacted

LD 862 An Act To Clarify Who May Authorize Repairs in a Burying Ground PUBLIC 294

Not Enacted

LD 1328 An Act To Clarify the Ownership of and Access to Ancient and Family Burying Grounds CARRIED OVER

Constitutional Officers

Not Enacted

LD 957 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General, Secretary of State and Treasurer of State ONTP

LD 1417 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Selection Process for the Attorney General Majority (ONTP) Report

LD 1419 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Selection Process for the Treasurer of State Majority (ONTP) Report

County Government

Enacted

LD 82 An Act Concerning the Salary of Sheriffs PUBLIC 41

Not Enacted

LD 166 An Act To Allow York County To Better Provide Rescue and Ambulance Services CARRIED OVER

LD 564 An Act To Establish Appropriate Parameters for County Borrowing Authority Majority (ONTP) Report

LD 857 An Act To Prohibit Public Endorsement of Candidates for Office by County Employees and Elected Officials ONTP

LD 972 An Act To Provide for the Nonpartisan Election of County Officials Majority (ONTP) Report

LD 1190 An Act To Amend the Androscoggin County Charter CARRIED OVER

LD 1206 An Act To Allow County Corrections Officers To Participate in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program CARRIED OVER

Departments and Agencies of State Government

Enacted

LD 495 An Act To Make Minor Nonsubstantive Changes to the Laws Affecting the Office of the State Auditor PUBLIC 44

Not Enacted

LD 6 Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees CARRIED OVER

Holidays

Enacted

LD 10 An Act To Establish Native American Heritage and Culture Day PUBLIC 19

Legislature and Legislative Process

Enacted

LD 681 An Act To Increase the Effectiveness of the Legislature PUBLIC 102

LD 1046 An Act To Penalize Legislators for Excessive Absences PUBLIC 134

LD 1395 An Act To Implement the Recommendations of the Government Oversight Committee To Ensure Legislative Review of Reports Submitted by Quasi-independent State Agencies PUBLIC 253

Not Enacted

LD 80 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Lower the Age Requirement To Run for Legislative Office Died Between Houses

LD 106 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Terms of Senators to 4 Years ONTP

LD 182 An Act To Eliminate Term Limits for Legislators Majority (ONTP) Report

LD 406 An Act To Increase the Salaries of the Governor and Legislators ONTP

LD 641 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County Majority (ONTP) Report

LD 897 An Act To Move a Township from House District 150 to House District 151 INDEF PP

LD 1012 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Terms of Senators ONTP

Miscellaneous

Enacted

LD 110 An Act To Designate Pure Maine Maple Syrup as the Official State Sweetener PUBLIC 70

LD 245	An Act To Rename B Stream in Houlton as Captain Ambrose Bear Stream	PUBLIC 12
LD 916	An Act To Establish a Private Support Organization for the Maine Commission for Community Service	PUBLIC 94
<u>Not Enacted</u>		
LD 107	An Act To Recognize the Labrador Retriever as the Official State Dog	Majority (ONTP) Report
LD 137	An Act To Designate the Friendship Sloop as the Official State Maritime Symbol	Majority (ONTP) Report
LD 258	An Act Regarding Posting of Legal Notices and Legal Advertising	Majority (ONTP) Report
LD 741	An Act To Provide Expanded Powers to the Executive Director of the Kennebec Regional Development Authority	Leave to Withdraw
LD 1298	An Act Relating to the Creation of Public-private Facilities and Infrastructure	CARRIED OVER
LD 1418	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for a Lieutenant Governor and Change the Line of Succession for Governor	Majority (ONTP) Report

Municipalities and Quasi-Municipalities

Enacted

LD 1161	Resolve, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley	RESOLVE 17 EMERGENCY
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Not Enacted

LD 46	An Act To Allow Municipal Boards of Appeal To Grant Setback Variances for Certain Hardships Caused by Prior Owners of the Property	ONTP
LD 67	An Act To Amend the Law Regarding the Annual Municipal Report Requirement	ONTP
LD 165	An Act Regarding the Funding of Volunteer Fire Departments	Majority (ONTP) Report
LD 167	An Act To Prohibit a Municipality from Holding a Referendum To Legalize the Recreational Use of Marijuana	ONTP
LD 224	An Act To Limit the Information Required To Be Printed on Municipal Referenda Ballots	Majority (ONTP) Report
LD 408	An Act To Help Municipalities Prepare for Changes in Sea Level	Veto Sustained
LD 450	An Act To Amend the Laws Regarding the Fund for the Efficient Delivery of Local and Regional Services	INDEF PP
LD 494	An Act Regarding the Maintenance of Easements	ONTP

LD 724	An Act To Authorize Municipal Fire Districts To Impose Service Charges	ONTP
LD 909	An Act To Help Older Adults Age in Place through Comprehensive Planning	Veto Sustained
LD 915	An Act To Facilitate Long-range Planning in Certain Municipalities	ONTP
LD 1325	An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road	CARRIED OVER
LD 1377	Resolve, To Establish the Commission To Study the Reduction of Unfunded and Outdated Municipal Mandates	Died Between Houses

Rulemaking

Not Enacted

LD 785	An Act To Provide for Legislative Review of Federally Mandated Major Substantive Rules under the Maine Administrative Procedure Act	ONTP
LD 999	An Act To Ensure Proper Adoption of Rules by All Departments, Agencies and Boards	Died Between Houses
LD 1274	An Act To Allow the Governor To Review Routine Technical Rules	ONTP
LD 1354	An Act To Improve the Maine Administrative Procedure Act	Died Between Houses

State Contracts and Fiscal Procedures

Enacted

LD 1166	An Act To Protect Taxpayers by Regulating Personal Services Contracts	PUBLIC 345
LD 1347	An Act To Implement Recommendations of the Government Oversight Committee To Clarify That Competitive Bid Provisions Apply to Grant Awards	PUBLIC 179

Not Enacted

LD 244	An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects	Died Between Houses
LD 331	An Act To Quantitatively Evaluate State Contracts	Majority (ONTP) Report
LD 407	An Act To Buy American-made Products	Died Between Houses
LD 1008	An Act To Extend Options for Publicly Funded Projects	Died Between Houses

State Government - General

Not Enacted

LD 874	An Act To Provide Transparency and Accountability of Taxpayer Funds	ONTP
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LD 1103	Resolve, To Study Understaffing in State Agencies	Died Between Houses
LD 1212	An Act To Support Transparency in Government through the Maine Capitol Connection Channel Program	Died On Adjournment
LD 1286	An Act To Ensure the Use of Environmentally Responsible Insulation Materials in Taxpayer-funded Building Projects	CARRIED OVER
LD 1378	An Act To Amend the Laws Governing the Issuance of Bonds and To Effectuate the Issuance of Bonds To Support Maine's Natural Resource-based Economy	Veto Sustained

State Property

Enacted

LD 114	Resolve, Authorizing the Bureau of General Services To Offer Certain Property to Kennebec County for 6 Months Prior to Listing the Property with Private Real Estate Brokers	RESOLVE 20
LD 638	An Act To Authorize the Transfer of State-owned Real Estate to the City of Belfast	PUBLIC 37
LD 732	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Orono and Thomaston	RESOLVE 28
LD 780	Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey the Parcel of Land in Kittery Known as John Paul Jones Memorial Park to the Town of Kittery	RESOLVE 24
LD 1390	An Act To Amend the Boundaries of the Capitol Area	PUBLIC 168 EMERGENCY

Not Enacted

LD 496	Resolve, To Transfer Certain State-owned Property to the Town of East Millinocket	ONTP
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