



BILL SUMMARIES
From the
Second Session of the
124th Maine State Legislature
May 2010

Overview

Transportation

Every year the Maine Department of Transportation has a goal of completing approximately 600 miles of Maintenance Surface Treatment (MST), which is another layer of thin paving that helps prevent further damage and provides a smoother surface. Unfortunately the initial transportation supplemental budget proposal fell short of this goal, leading to intense debate in the Transportation Committee. Working in bipartisan fashion, committee members cut the budget by approximately \$32 million, which allowed for 615 miles of MST statewide. The full MST plan for 2010 can be found online at www.maine.gov/mdot/mst2010.

Labor

The issue of misclassification of construction workers, a person being classified as a subcontractor rather than an employee, was addressed in the First Regular Session and then reexamined during the Second Regular Session. With the most recent passage of emergency legislation, construction subcontractor status is clarified for purposes of the Maine Workers' Compensation Act of 1992 by making the predetermination status valid for one year. Furthermore, the Workers' Compensation Board will simplify the application for predetermination as an independent contractor, removing several arduous requirements including the mandate of previous tax returns and customer lists as supporting documentation. Finally, if the Board does not reject or otherwise act on an application within two weeks, the application is considered approved.

Also, the Labor Committee deliberated a bill that would have mandated business owners to provide annual paid sick leave, 52 accrued hours for employees working for a large

business and 26 accrued hours for employees working for a small business. The measure, LD 1665, “*An Act To Prevent the Spread of H1N1*,” failed passage.

Consumer Protection and Business Issues

Confusion over the definition of what constitutes a farmers’ market has prompted a revision to Maine statute. Current law requires that at least 75% of products offered for sale by each seller at a farmers’ market must be grown or processed by that seller. Under a new law only vendors selling farm or food products at a farmers’ market must meet the requirement that 75% of those products be grown or processed by the vendor or under the vendor’s direction. Vendors selling farm or food products grown or processed by another person must also identify the farm and location where the product originated.

Legislation requiring the licensure of home building and improvement contractors died as a result of irreconcilable differences between the Senate and House of Representatives.

Healthcare providers are now required to notify consumers about the availability of any payment arrangements offered by the provider in order to satisfy debt for health care services. A payment arrangement offered by a healthcare provider must make available to a consumer the opportunity to reasonably rehabilitate, cure or remedy a defaulted status of debt for healthcare services under terms and conditions established by the provider. These terms include, but are not limited to, making payment in full or making six consecutive monthly payments in a timely manner.

A bill to increase the sales of motor vehicles by removing the prohibition on Sunday business failed to receive lawmakers’ approval.

Health and Safety

A new Silver Alert program to assist in locating missing elderly Mainers was established. Modeled after the successful Amber Alert, which notifies the public of missing children, the Department of Public Safety will work with other agencies to implement the program.

The Universal Childhood Immunization Program, administered by the Department of Health and Human Services (DHHS), was established in order to provide all children under the age of 18 with access to a uniform set of vaccines. DHHS will be able to lower the cost of vaccinations by using contract prices established by federal authorities. The program will be funded by an assessment on health insurance carriers and third-party administrators as well as state funds.

Group and individual health insurance policies now must provide coverage for the diagnosis and treatment of autism spectrum disorders for children up to the age of five and a maximum benefit of \$36,000 per year. This applies to policies issued or renewed on or after January 1, 2011.

May is Lyme Disease Awareness Month and state health agencies must provide more information to the public regarding Lyme Disease as part of that effort. The Maine Center for Disease Control and Prevention must maintain a publicly accessible website to

provide awareness and education on Lyme disease, including links to resources available and recommended by the U.S. Department of Health and Human Services.

Veterans and Armed Services

The Maine Veterans' Memorial Cemetery System Care Fund has been established for the purpose of ensuring ongoing care and maintenance of veterans' graves within the Maine Veterans' Memorial Cemetery System after plot interment allowances for burials within the system are no longer received from the United States Department of Veterans Affairs. The fund is authorized to receive public and private donations in addition to the plot interment allowance.

Beginning with the November 2010 elections, the Secretary of State will be allowed to receive absentee ballots from uniformed service and overseas voters by e-mail or fax. Rules must be adopted regarding the issuance and processing of absentee ballots for uniformed service and overseas voters to ensure the ballots are examined, counted and stored in the same manner as regular absentee ballots.

Hunting

Bear: The number of dogs a person may use at any one time to hunt bear has increased from four to six; and a resident who holds a valid hunting license may now train dogs on bear from July 1st to the first day of the open season on hunting bear, an extension of one month.

Coyote: The Legislature clarified that a person may place the carcass of a dead animal on the ice of a brook, great pond or river for purposes of coyote hunting as long as the carcass is removed before the ice supporting that carcass is gone. The night hunting season on coyotes has been extended by three months. The current season, which runs from December 16th to June 1st, has been changed to December 16th to August 31st.

Turkey: Hunters are now allowed to use dogs to hunt wild turkey during the fall season.

SPECIFIC BILL ACTIONS

Budget/Financial

LD 1671 “An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011”

Maine has continued to feel the impact of the recession and falling revenues created serious budget challenges this session. The original projections anticipated a \$438 million deficit, but that picture improved slightly with the news of increased revenue and additional federal funding. The final supplemental budget made up a \$310 million shortfall without raising taxes.

The state extended the tax amnesty program, which was previously successful in bringing in additional revenue. Several proposals to scale back or eliminate tax exemptions designed to assist businesses were ultimately rejected as well, as was a proposed reduction to the Circuit Breaker program.

The largest single reduction was to the state's MaineCare program, which was cut by approximately \$135 million, while other areas of the Department of Health and Human Services absorbed approximately \$15 million in cuts. State aid to K-12 education was cut by \$47.2 million (a much smaller cut than in the original proposal). Municipal revenue sharing was reduced by \$16 million and higher education was reduced by \$8 million.

This budget further consolidated state government and eliminated a number of positions. Many of the changes made will continue to save the state money going forward into what is expected to be another difficult budget cycle.

Also part of the supplemental budget, Mainers will soon be able to purchase a new type of lottery ticket. Mega Millions is a multistate game with jackpots starting at \$12 million and second prizes of \$250,000 to \$1 million. Drawings will be held every Tuesday and Friday. Each play costs \$1.

LD 1826 “An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election”

One of the most contentious issues this session was the debate over whether to send out any more bonds for voter approval. Some legislators felt that with the amount of debt Maine already has it was the wrong time to borrow more, even for worthy projects. Governor Baldacci initially proposed a \$79 million package, while the Senate President proposed a \$99 million package. Elements of these proposals were combined to form an \$85 million package.

This larger package narrowly passed in the House, but was rejected in the Senate. Further negotiations produced a smaller package of \$57.8 million which won legislative approval on the last day of session. This package includes \$24.8 million to fund highway projects; \$16 million in funding for rail projects; \$6.5 million for the Portland Megaberth project; \$500,000 for the Small Harbor Improvement Project; \$5 million more for wind energy development; and \$5 million for a dental school and clinics.

Some \$44 million of the package comes in the form of new borrowing. Another \$13.5 million was reduced from bond questions scheduled to appear on the June ballot from last year's package.

LD 957 “An Act To Establish A New Method Of Determining The State Budget”

The Appropriations and Financial Affairs Committee considered a bill that would have moved the drafting of the two-year budget from the First Session of the Legislature to the Second Session. This would have allowed the new Legislature and Governor a year to

learn more about the state's agencies and finances before beginning work on the biennial budget. Many legislators believed the idea had merit, but it was ultimately rejected due to the cost and technical difficulties in making the change.

Insurance

LD 20 “An Act To Require Insurance Companies To Cover the Cost of Prosthetics Containing Microprocessors”

Maine law already required insurance companies to cover the cost of prosthetics, but prosthetics containing a microprocessor were exempted. This session that exemption was eliminated.

LD 425 “An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities”

Both individual and group health insurance policies now must cover children's early intervention services for those with a diagnosed developmental disability or delay. Coverage is limited to \$3,200 per year for each child, not to exceed \$9,600 by age three, and will take effect January 1, 2011.

LD 1198 “An Act To Reform Insurance Coverage To Include Diagnosis for Autism Spectrum Disorders”

Group and individual health insurance policies now must provide coverage for the diagnosis and treatment of autism spectrum disorders for children up to the age of five with a maximum benefit of \$36,000 per year. This applies to policies issued or renewed on or after January 1, 2011.

LD 1676 “An Act To Protect Maine Citizens' Credit”

Healthcare providers are now required to notify consumers about the availability of any payment arrangements offered by the provider in order to satisfy debt for health care services. A payment arrangement offered by a healthcare provider must make available to a consumer the opportunity to reasonably rehabilitate, cure or remedy a defaulted status of debt for healthcare services under terms and conditions established by the provider. These terms include, but are not limited to, making payment in full or making six consecutive monthly payments in a timely manner.

LD 1708 “An Act To Expand the Opportunity for Persons To Acquire Health Care Coverage under the State's "Mini-COBRA" Program”

Individuals who are permanently laid off will now be able to maintain, at their own expense, health insurance coverage under their former employer's group plan through Maine's “mini-COBRA” program if a subsidy pursuant to federal law becomes available.

This program was previously limited to temporarily displaced workers or those eligible for workers' compensation.

Health

LD 1709 “An Act To Enhance Public Awareness of Lyme Disease”

May is Lyme Disease Awareness Month and state health agencies are directed to make appropriate information available to the public to improve education and awareness about the prevention, diagnosis and treatment of Lyme disease. Furthermore, the Maine Center for Disease Control and Prevention must maintain a publicly accessible website to provide awareness and education on Lyme disease, including links to resources available and recommended by the U.S. Department of Health and Human Services.

LD 821 “An Act To Support Collection and Proper Disposal of Unwanted Drugs”

The Legislature considered a bill that would have mandated drug manufacturers set up programs to collect, transport and manage unused prescription medication to prevent improper disposal. Although the bill passed the House, it ultimately died when it failed to be enacted in the Senate.

LD 1360 “An Act Regarding Mental Health Treatment”

The civil process for committing a person found to be mentally ill was streamlined. The number of examiners required for a civil commitment was reduced from four to three and courts are now allowed to order a patient to participate in a progressive treatment program (PTP). The Department of Health and Human Services will issue a report to the Health and Human Services Committee on the PTP by January 1, 2012.

LD 1408 “An Act To Establish the Universal Childhood Immunization Program”

The Universal Childhood Immunization Program, administered by the Department of Health and Human Services (DHHS), was established in order to provide all children under the age of 18 with access to a uniform set of vaccines. DHHS will be able to lower the cost of vaccinations by using contract prices established by federal authorities. The program will be funded by an assessment on health insurance carriers and third-party administrators as well as state funds.

LD 1610 “An Act To Establish the Silver Alert Program”

A new Silver Alert program to assist in locating missing elderly Mainers was established. Modeled after the successful Amber Alert, which notifies the public of missing children, the Department of Public Safety will work with other agencies to implement the program.

LD 1706 “An Act To Create the Children's Wireless Protection Act”

A measure was considered that initially would have required labels on mobile phones warning of potential health risks. It was amended in committee to require that mobile phone manufacturers implement an educational campaign regarding health risks, but neither approach was supported by the full Legislature.

LD 1811 “An Act To Amend the Maine Medical Marijuana Act”

Last November voters approved a ballot initiative expanding Maine's medical marijuana laws. Further regulations were passed this session to fully implement the initiative. One medical marijuana dispensary will be permitted in each of the eight administrative districts defined by the Department of Health and Human Services (DHHS). DHHS also will create a registry for patients and caregivers and provide them with identification showing they are legally authorized to possess marijuana.

Taxation

LD 71 “Resolve, To Create a Working Group To Review the Property Tax Exemption for Veterans”

The State will convene a working group to study increasing the property tax exemption for veterans. The group will submit a report to the Taxation Committee by January 1, 2011.

LD 195 “An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price”

Current law bases the motor vehicle excise tax on the manufacturer's suggested retail price, even though many consumers negotiate a lower purchase price. A bill that would have instead based the excise tax on 90% of the manufacturer's suggested retail price was defeated.

LD 659 “An Act To Reduce the Sales Tax on Certain Watercraft”

A change was made to the taxes on nonresident boat owners that will help Maine businesses involved in the sale, repair or restoration of boats. Beginning August 1, a 60% reduction in sales tax is applied to watercraft that are bought in Maine by nonresidents and stay in the state longer than 30 days.

LD 788 “An Act To Aid Municipalities and the Unorganized Territory in the Reduction of Property Taxes”

A bill that was ultimately defeated would have changed the distribution of sales tax revenue by returning 10% of the growth in sales tax revenue to the municipality where the growth occurred. That municipality would have had to use the revenue for property tax relief.

LD 1279 “An Act To Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation”

A proposal was defeated that would have taken any growth in revenue over the previous year and deposited it into the Tax Relief Fund for Maine Residents. That money would have been used to gradually reduce income tax rates until the top rate was 4.5% and would have removed additional low-income Maine families from the tax rolls.

Transportation

LD 1728 “An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011”

The Maine Department of Transportation has a goal of completing approximately 600 miles of Maintenance Surface Treatment (MST) every year. Unfortunately the initial transportation supplemental budget proposal fell short of this goal, leading to intense debate in the Transportation Committee.

Maintenance surface treatment is another layer of thin paving that helps prevent further damage and provides a smoother surface. It is an interim step that decreases the likelihood of more expensive repairs later and extends the life of a road.

Working in bipartisan fashion the Transportation Committee cut the budget by approximately \$32 million, which allowed for 615 miles of MST statewide. The full MST plan for 2010 can be found online at www.maine.gov/mdot/mst2010.

LD 1675 “An Act To Reduce Noise Caused by Motorcycles and Improve Public Health”

Beginning January 1, 2012 motorcycles must have an inspection sticker on a mounting plate, rear fender or a similar frame or body part of the motorcycle. The state will convene a working group to study motorcycle noise issues and report back next January.

LD 1503 “An Act To Establish Emergency Zones on Public Ways To Minimize Accidents”

Motorists must proceed at a careful and prudent speed when passing through an area where an emergency vehicle is responding to an incident. The minimum fine for a violation is \$250.

Natural Resources/Agricultural

LD 1547 “An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment”

A requirement enacted last year for pre-season notification of the intent to apply pesticides using aircraft or air-carrier equipment has been repealed. A new law directs the Board of Pesticides Control to develop a comprehensive registry of people wanting to be notified of pesticides applications near property they own, lease or on which they reside. Also, land managers will now be required to notify a person on the registry of aerial applications when the registered property is within 1,320 feet of the spray area, the maximum distance requiring notification for air-carrier applications except for those directing spray into the crowns of fruit trees or Christmas trees. The current maximum distance of 500 feet for certain applications using air-carrier equipment will be repealed January 1, 2012. The Board is authorized to waive notification requirements when public health or natural resources are threatened.

LD 1585 “Resolve, To Enhance Protection of Maine Farms and Nurseries”

In an effort to protect Maine’s tomato crops from harmful diseases, Maine’s Commissioner of Agriculture will develop rules requiring persons shipping tomato seedlings into Maine to notify the State Horticulturist prior to shipment. After examining license fees in other states, the Commissioner will also make recommendations to the Legislature by January 2011 regarding dedicated fees for licenses to sell nursery stock.

LD 1586 “An Act to Amend the Definition of “Farmers’ Market”

Confusion over the definition of what constitutes a farmers’ market has prompted a revision to Maine statute. Under a new law only vendors selling farm or food products at a farmers’ market must meet the requirement that 75% of those products be grown or processed by the vendor or under the vendor’s direction. Vendors selling farm or food products grown or processed by another person must also identify the farm and location where the product originated.

LD 1587 “An Act to Amend the Animal Welfare Laws”

Changes to Maine’s animal welfare laws have been made. When an owner or keeper of an animal violates the animal trespass laws three or more times within a 90-day period, the court will now order restitution of all costs incurred by the Department of Agriculture in assisting an animal control officer or law enforcement officer responding to the violation. The animal trespass provision also includes animals that are unattended on a public road. The late fee for dog licenses has also increased from \$15 to \$25.

LD 1598 “An Act To Strengthen the Laws against Illegal “Puppy Mill” Operators”

Maine’s laws against animal cruelty have been toughened by requiring an expedited schedule for hearings when animals have been seized without a court order. A prehearing conference must take place within seven days of the seizure, and the court shall issue a writ of possession or return the animal to its owner within 30 days of the seizure.

LD 1607 “An Act To Regulate the Transportation of Firewood”

In an effort to protect Maine from destructive bugs that have destroyed swaths of trees in other states, state forestry officials will be drafting rules that close Maine’s border to non kiln-dried firewood brought in by campers and sets up a mechanism near the border to collect such firewood brought into the state.

LD 687 “Resolve, To Direct the Department of Conservation To Seek To Acquire Public Access to the Dead River”

The Legislature has given its approval for the Department of Conservation to seek to acquire a public right-of-way along approximately 16 miles of the Lower Enchanted Road from Route 201 in West Forks Plantation westward to an area used for vehicle parking and launching watercraft into the Dead River.

LD 1238 “An Act Concerning the National Animal Identification System”

The Commissioner of Agriculture, Food and Rural Resources is authorized to adopt rules to implement a national animal identification system only if the system becomes mandatory through action at the federal level.

LD 1519 “An Act To Ensure Search and Rescue Dogs Are Afforded Access to Public Accommodations without an Extra Charge”

A new law allows a person assisting the Commissioner of Inland Fisheries and Wildlife with an approved search and rescue dog to be accompanied by that dog in a hotel or other place of lodging without being required to pay an extra charge or a security deposit. The owner of the search and rescue dog is liable for any damages incurred by that animal.

LD 1568 “An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers”

Beginning January 1, 2012 the manufacture, sale and use of shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers is banned. Exempted are pallets manufactured before January 1, 2012 and shipping pallets that are manufactured from recycled pallets containing the “deca” mixture. Manufacturers or owners of shipping pallets that are subject to the restrictions will be required to certify compliance annually and to notify sellers of the product about the restrictions.

LD 1631 “An Act To Provide Leadership Regarding the Responsible Recycling of Consumer Products”

A new law will encourage recycling of consumer products through stewardship programs, which place the responsibility for minimizing a product’s environmental impact on whoever designs, makes, sells or uses the product. The Maine Department of Environmental Protection is directed to report annually to the Natural Resources Committee regarding existing product stewardship programs. The report may also contain recommendations for improving existing product stewardship programs or new products that may be appropriate for product stewardship management in the future.

LD 1632 “Resolve, Regarding Biofuel in Number 2 Heating Oil”

A resolve was enacted to lower the sulfur content in home heating oil, which in turn will cause boilers and furnaces to burn cleaner and require less maintenance. The Governor's Office of Energy Independence and Security will oversee a study on the feasibility of setting a requirement for the percentage of biofuel to be used in number 2 heating oil.

LD 1699 “An Act To Update and Modernize Maine's Floodplain Mapping”

The Floodplain Mapping Fund is established to provide resources for the mapping of floodplains in the state. Money can come from various sources including private sources, federal sources and bond proceeds.

Inland Fish and Wildlife

LD 1536 “An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles when Operating on Private Property”

The Legislature defeated a bill that would have allowed a law enforcement officer to stop an all-terrain vehicle operated on privately-owned property without a reasonable and articulable suspicion that violation of the law has occurred.

LD 1548 “Resolve, To Prevent the Spread of Invasive Plants and Protect Maine's Lakes”

In an effort to prevent the spread of invasive plants in Maine’s lakes, the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife will review all lakes with known infestations of aquatic invasive plant species, collaborate with lake associations and user groups to identify private boat ramps on lakes infested with aquatic invasive plant species and increase the effectiveness of educational and outreach efforts regarding aquatic invasive plant species.

LD 1650 “An Act To Amend Certain Provisions of Fish and Wildlife Laws”

Bear Hunting: The number of dogs a person may use at any one time to hunt bear has increased from four to six, and a resident who holds a valid hunting license may now train dogs on bear from July 1st to the first day of the open season on hunting bear, an extension of one month.

Coyote Hunting: The Legislature clarified that a person may place the carcass of a dead animal on the ice of a brook, great pond or river for purposes of coyote hunting as long as the carcass is removed before the ice supporting that carcass is gone. The night hunting season on coyotes has been extended by three months. The current season, which runs from December 16th to June 1st, has been changed to December 16th to August 31st. Coyotes are now exempt from the waste of game prohibition. “Waste” means to intentionally leave a wounded or killed animal in the field or forest without making a reasonable effort to retrieve and render it for consumption or use.

Closed fishing: Fishing is now prohibited from the fishways at the Chain of Ponds Dam in Chain of Ponds Township in Franklin County and Long Pond Dam in Seven Ponds Township in Franklin County.

Turkey hunting: Hunters are now allowed to use dogs to hunt wild turkey during the fall season.

Legal and Veteran Affairs

LD 1421 “An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries”

The Maine Veterans' Memorial Cemetery System Care Fund has been established for the purpose of ensuring ongoing care and maintenance of veterans' graves within the Maine Veterans' Memorial Cemetery System after plot interment allowances for burials within the system are no longer received from the United States Department of Veterans Affairs. The fund is authorized to receive public and private donations in addition to the plot interment allowance.

LD 1559 “An Act Regarding Liquor Licenses for Qualified Catering Services”

Qualified caterers licensed to serve spirits, wine and malt liquor will be allowed to conduct up to 100 self-sponsored events at the caterer's facility and serve these alcoholic beverages. The fee for the self-sponsored event permit is \$700 annually in addition to the

qualified catering license fee, and events conducted in accordance with this permit must offer a diverse selection of food.

LD 1579 “An Act To Facilitate Voting by Uniformed Service and Overseas Voters”

Beginning with the November 2010 elections, the Secretary of State will be allowed to receive absentee ballots from uniformed service and overseas voters by e-mail or fax. Rules must be adopted regarding the issuance and processing of absentee ballots for uniformed service and overseas voters to ensure the ballots are examined, counted and stored in the same manner as regular absentee ballots.

LD 1628 “An Act To Amend the Laws Governing the Taste Testing of Alcoholic Beverages”

Changes have been made to a law adopted last year that was found to be prohibitive to retail establishments wishing to conduct tastings of alcoholic beverages. The new law increases the number of events a licensee may conduct from 12 to 24 per year and allows for invitation-only taste-testing events in place of or concurrent with an event open to the public. Stores must prominently post a sign at the entrance announcing the date and time of the event.

LD 1808 “An Act To Allow a Casino in Oxford County” (Citizens’ Initiative)

A citizens’ initiative was proposed to allow a casino in Oxford County with slot machines and table games, such as blackjack, poker and roulette. Also the total number of slot machines in the state would have increased from 1,500 to 3,000 although no more than 1,500 would be allowed at a casino. Municipal officials or the voters of any municipality in which the site is located would have to approve the location of the casino. Because the Legislature did not enact this bill, the issue will be put before Maine voters in the November 2010 election.

Business and Regulations

LD 272 “An Act To License Home Building and Improvement Contractors”

Legislation requiring the licensure of home building and improvement contractors died as a result of irreconcilable differences between the Senate and House of Representatives.

LD 1499 “An Act To Protect Confidential Consumer Records in Self-service Storage Facilities”

Confidentiality of personal information kept in self-storage facilities, including medical information, relating to clients, customers or others with whom a tenant does business will be protected if the tenant defaults on rental payments. The tenant is, however, required to notify the facility operator when the tenant intends to store such information, thus prohibiting the sale at auction of such information if the facility operator is aware of its existence. The purchaser of the contents of a unit is required to return any such personal information.

LD 1677 “An Act Regarding the Laws Governing Data Collection and Marketing Practices Directed at Minors”

It is now prohibited to collect and use personal information retrieved on the Internet from a minor who is at least 13 years of age and under 17 years of age for the purposes of pharmaceutical marketing. Also, the Attorney General is now required to adopt rules consistent with the federal Children’s Online Privacy Protection Act of 1998, which regulates the collection and use of personal information from children less than 13 years of age on the Internet.

LD 1701 “An Act To Facilitate an Increase in Sales of Motor Vehicles”

A bill to increase the sales of motor vehicles by removing the prohibition on Sunday business failed to receive lawmakers’ approval.

LD 791 “An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs”

An initiative that would have established penalties for furnishing a place for minors to use illegal drugs similar to those for furnishing a place for minors to consume alcohol died on adjournment due to lack of funding.

LD 1497 “An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors”

A buyer of a single-family dwelling or a multi-family building is required to install smoke detectors and carbon monoxide detectors within 30 days of acquisition or occupancy, whichever is later, if smoke detectors and carbon monoxide detectors are not already present. The applicable exemption for hotels and bed and breakfast establishments is removed from the requirement for rental units to have carbon monoxide detectors. This allows the State Fire Marshal to require through rulemaking carbon monoxide detectors in these facilities.

LD 1558 “An Act Regarding Accidental Death Benefits for Beneficiaries of Deceased Firefighters”

An accidental death benefit is provided to the beneficiary of a professional firefighter who dies of certain heart or lung conditions that develop within 30 days of participating in firefighting or training. If a professional firefighter develops such a condition and dies after 30 days, but within six months of participating in firefighting or training, there is now the rebuttable presumption that the firefighter’s death was a result of that activity. This death benefit is retroactive to November 1, 2004.

Judiciary/Criminal Justice

LD 1588 “An Act To Change the Penalties for Writing Bad Checks”

A person who passes a bad check may now pay a civil penalty up to \$150 to the holder of the bad check. The penalty, in addition to reasonable attorney’s fees, may be imposed by the court when the person liable does not pay the amount of the check plus costs and interest before the hearing.

LD 1612 “An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card” (Strang Burgess)

A two-tier violation – a crime and traffic infraction – has been created for the offense of possessing or displaying a suspended driver’s license. A person who is issued a summons for operating after suspension as a traffic infraction may have their vehicle towed.

LD 1822 “An Act To Further Amend the Sex Offender Registration and Notification Act of 1999”

Changes to Maine’s Sex Offender Registration and Notification Act of 1999 were implemented in response to the constitutional concern raised in the Maine Law Court decision of State v. Letalien. The opportunity now exists for some registrants to provide documentation to the State Bureau of Identification to determine if they are relieved from the duty to register. The intent of the alteration is to make the relief process available to Maine residents with out-of-state convictions, but it is not to encourage convicted offenders to move to Maine solely to evade registration requirements in their home states or in Maine.

LD 445 “An Act To Improve Tribal-State Relations”

A representative of the Houlton Band of Maliseet Indians will now be amongst the members of the Maine House of Representatives beginning with the Second Regular Session of the 125th Legislature.

LD 1511 “An Act To Remove the Age Limit Governing When a Court Must Consider the Wishes of a Child in a Proceeding for the Termination of Parental Rights”

A bill that would have removed the age limit governing when a court must consider the wishes of a child in a proceeding for the termination of parental rights failed to receive the full consent of lawmakers. Current law requires a court to consider the wishes of a child 12 years of age or older in such a proceeding.

Labor

LD 1550 “An Act To Promote Opportunity for Workers in the Maine Woods”

A new law extends to Maine loggers the same protection of their logging equipment against third party creditors as those that exist for farmers and their farm implements and fishermen and their fishing boats. This civil court procedure exempts from attachment and execution professional logging implements.

LD 1580 “An Act To Replace the Maine Limited Liability Company Act”

Maine has a new Maine Limited Liability Company Act. The reform allows such companies to be governed by their operating agreements with fewer impediments from the state. By adding L3C (low limited liability companies), foundations or cooperatives will be encouraged to organize under Maine law rather than operate in another state.

LD 192 “An Act To Index the State Minimum Wage to Inflation”

A measure that would have adjusted the minimum hourly wage for inflation beginning January 1, 2010 and annually thereafter failed passage.

LD 1815 “An Act To Clarify the Construction Subcontractor Status of the Maine Workers’ Compensation Act of 1992”

The issue of misclassification of construction workers, a person being classified as a subcontractor rather than an employee, was addressed in the First Regular Session and then reexamined during the Second Regular Session. With the most recent passage of emergency legislation, construction subcontractor status is clarified for purposes of the Maine Workers’ Compensation Act of 1992 by making the predetermination status valid for one year. Furthermore, the Workers’ Compensation Board will simplify the application for predetermination as an independent contractor, removing several arduous requirements including the mandate of previous tax returns and customer lists as supporting documentation. Finally, if the Board does not reject or otherwise act on an application within two weeks, the application is considered approved.

LD 1565 “An Act To Amend the Laws Governing the Misclassification of Construction Workers”

The Executive Director of the Workers’ Compensation Board is now authorized to issue a stop-work order following a hearing if a hiring agent or construction subcontractor misrepresented one or more employees as independent contractors, failed to provide a workers’ compensation insurance policy or provided false, incomplete or misleading information to the Board concerning the number of employees. Additionally, the Executive Director of the Board is authorized to stay a stop-work order if a hiring agent or construction subcontractor provides evidence that all provisions of the Maine Workers’ Compensation Act of 1992 have been fulfilled.

LD 1665 “An Act To Prevent the Spread of H1N1”

A bill failed that would have mandated business owners to provide annual paid sick leave, 52 accrued hours for employees working for a large business and 26 accrued hours for employees working for a small business.

LD 1776 “An Act To Protect Retirement Income”

In an effort to provide local district employees the same benefits available to other members covered by the Maine Public Employees Retirement System, employees will now be allowed to make payments equal to retirement contributions that would have been made if the employees had been paid on days off without pay as a result of budget decisions made by a participating local district for fiscal years ending 6/30/10 and 6/30/11.

Marine Resources

LD 1432 “An Act To Create a Saltwater Recreational Fishing Registry”

A saltwater recreational fishing registry has been created along with a striped bass endorsement and a commercial operator's license. Individuals fishing for striped bass are required to obtain an endorsement at a rate of \$5 for residents and \$15 for nonresidents. Captains of vessels licensed to carry passengers for hire for saltwater recreational fishing must now obtain a commercial operator's license at a rate of \$50. Also, a \$10 resident lifetime striped bass endorsement for a person 70 years of age or older has been established. Revenue from the endorsement and commercial operator's license will be deposited in the Marine Recreation Fishing Conservation and Management Fund. Clerks or other agents appointed by the Commissioner of Marine Resources to register persons on the saltwater recreational fishing registry, issue striped bass endorsements or issue commercial operator's licenses shall charge a fee of \$2 for each person registered, issued an endorsement or issued a license. The Commissioner shall charge a fee of \$1 for each registration taken, endorsement issued or commercial operator's license provided by department employees. Violators of the registration, endorsement or license requirements may be assessed a fine of not less than \$100. Examples of the various exemptions to the registration and striped bass endorsement requirements include persons under 16 years of age, a person with a disability, a disabled veteran and a resident fishing on Independence Day, Labor Day weekend or Memorial Day weekend. Lastly, the Commissioner is required to report registry information to the National Oceanic and Atmospheric Administration (NOAA).

LD 1560 “An Act To Eliminate the 3-trap Limit in the Waters of the State”

The 3-trap limit for lobster traps in current law has been eliminated, effective January 1, 2011.

LD 1604 “An Act To Clarify the Marine Resources Laws To Provide for the Protection of Public Safety and Welfare”

The Commissioner of Marine Resources has the authority to close an area to fishing if it is necessary to protect the public safety and welfare. The Commissioner must hold a public meeting within 48 hours of adopting an emergency rule regarding the protection of public safety or the protection of property.

Education

LD 551 “Resolve, To Direct the Commissioner of Education To Review the Essential Programs and Services Funding Formula”

The method of public school funding will be assessed as the Commissioner of Education, in conjunction with the Maine Education Policy Research Institute, must review and report on the components and subsidy distribution mechanisms of the Essential Programs and Services Funding Act. They are required to submit their report to the Committee on Education and Cultural Affairs in January 2011.

LD 570 “An Act To Improve the Laws Governing the Consolidation of School Administrative Units”

The Commissioner of Education may approve a reorganization plan when a school administrative unit has documented that it has exhausted all efforts to meet the

requirements for consolidation. The Commissioner's decision on approval of a reorganization plan is final. The provisions for the formation of an alternative organizational structure as well as a process for the withdrawal of a member municipality from a regional school unit and the transfer of a member municipality into another have been clarified.

LD 1658 “An Act To Increase Maine's High School Graduation Rates”

A state goal has been established to achieve an average statewide secondary school graduation rate of 90% by the end of the 2015-2016 school year. The Department of Education (DOE) is required to set the method that will be used to calculate secondary school graduation rates. The DOE will provide technical assistance to schools that have not attained an 80% graduation rate by the end of the 2012-2013 school year and will require these schools to develop a corrective action plan. A stakeholder group will develop recommendations relating to increasing graduation rates and review plans developed by the Commissioner's advisory committee on truancy, dropouts and alternative education.

LD 1799 “An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data”

The ban on the use of student assessment data in the evaluation of the professional performance of teachers has been removed. Principals are now included in the models for evaluation developed by the Department of Education (DOE) and the models must include multiple measures. The Commissioner of Education will convene a stakeholder group to review the models developed prior to their final adoption. The DOE may not adopt a model that is not approved by the stakeholder group. Each school administrative unit (SAU) in the state may select and incorporate one or more of the models developed by the DOE; however, if a SAU wants to include student assessments as part of teacher evaluations, it must use one of the models developed by the DOE.

LD 1800 “An Act To Adopt the Common Core State Standards Initiative

The Department of Education (DOE) now may include the *Common Core State Standards Initiative* standards for grades K-12 in the state's system of learning results and assessment. The Commissioner of Education may adopt emergency rules to include in the statewide system of learning results a core of standards in English language arts and mathematics for K-12 established in common with other states. The *Common Core of State Standards* has not been finalized, so it is unclear what the potential impact may be to local school administrative units.

LD 1801 “An Act To Promote the Establishment of Innovative Schools

School administrative units may establish innovative public schools that meet the requirements of the federal Race to the Top Assessment Program application. A school board may approve an instruction design, a school calendar, a staff selection process and a method for assessing professional development to be used in an innovative school that exceed or differ from, but do not conflict with, applicable statutory and regulatory requirements.

State and Local

LD 1513 “An Act To Authorize Municipal Officers To Resolve Road-naming Disputes”

Municipal officers are authorized to make the final decision when there is a dispute in the naming of a town way, private way or private road for E-9-1-1 purposes. Their decision is final unless a local ordinance or charter states otherwise.

LD 1554 “An Act Regarding Document Fees at County Registries of Deeds”

The fees for copying county registry documents are exempt from the freedom of access law so that Maine statute prevails for the purpose of setting fees for copying registry documents. It clarifies that copying fees can be different depending on the type of document being copied and increases the factors that can be used to determine what is a reasonable fee for copying registry documents, although those factors must relate to the cost of producing and making copies available.

LD 1569 “An Act To Clarify the Informed Growth Act”

A retail business is exempt from the Informed Growth Act if it is proposing to occupy an existing building in which the most recent occupant was a large-scale retail development as long as there is no proposed increase greater than 20,000 square feet. The definition of "large-scale retail development" under the Informed Growth Act is clarified so that it does not include renovation of an existing building.

Energy/Utilities

LD 891 “Resolve, To Develop Standards and Practices for Developments of State and Regional Significance in Order To Reduce Dependency on Imported Fossil Fuels and Meet the State's Greenhouse Gas Emissions Reduction Goals”

The Department of Environmental Protection (DEP), in consultation with others, must compile standards for projects subject to site location of development laws so that a building designed, constructed and operated under the standards will be carbon-neutral and will further the state climate action plan. Also, the DEP will evaluate the energy performance of the Maine Uniform Building and Energy Code in relation to other benchmarking systems and recommend whether developments subject to the site location of development laws that are designed and operated to those benchmarking systems will further the state climate action plan.

LD 1504 “An Act To Provide Predictable Benefits to Maine Communities That Host Wind Energy Developments”

A minimum level of tangible benefits has been established that a commercial wind energy developer would need to provide to a host community so that there could be greater parity between each development in the state. By establishing a floor level of benefits, communities will be able to negotiate from a standard starting point.

LD 1717 “An Act To Increase the Affordability of Renewable Energy for Homeowners and Businesses”

The Property Assessed Clean Energy (PACE) process is established that will allow homeowners to finance energy improvements through a loan on their residence, which stays with the property upon sale. This new type of financing is being employed throughout the country and will qualify Maine to be eligible for federal grants.

LD 1778 “An Act to Enable the Installation of Broadband Infrastructure”

Maine will be able to greatly expand Internet broadband access to many of the underserved and unserved areas of the state through the utilization of a federal grant that supports the installation of over 1,000 miles of fiber optic cable.

LD 1786 “An Act Regarding Energy Infrastructure Development”

A process is established whereby energy transmission corridors may be developed in Maine if doing so would be of benefit to Maine-based energy generation and provide a cost savings to Maine ratepayers. One possibility would be the utilization of highway and other state-owned land that could produce sustainable revenue for energy savings as well as transportation infrastructure.

LD 1810 “An Act to Implement the Recommendations of the Governor's Ocean Energy Task Force”

The continued development of over-the-horizon ocean wind energy and tidal wave energy projects is continued in Maine through the establishment of a permitting process and a long-term contracting procedure.