

MAINE STATE LEGISLATURE

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Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

State House Station 13, Augusta, Maine 04333

Telephone (207) 287-1670

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MEMO TO: Sally Tubbesing, Executive Director
FROM: *David E. Boulter*
David E. Boulter, Director
RE: Proposed Studies - 117th
DATE: June 27, 1995

I have attached a summary list of bills authorizing legislative studies that would require staffing by Legislative Council staff, along with relevant background materials for the Council's consideration. Most of the studies requested originated from bills presented although 2 are primarily the request of policy committees (LD's 646, 1358).

The number of studies requested this session is 16 (excluding those that are proposed in the recently released budget amendment to LD 706). This reflects a greater number than that requested in the recent past. As the Council will note as it reviews the attached materials, the scope and detail of studies vary considerably. Some propose rather extensive study and analysis, others less so. To a greater extent than committee work during the session, studies usually require a higher degree of background research, analysis and report preparation.

While the majority of studies would likely require staffing by this office, based upon my discussions with Meg and John others will require staffing or other extensive staff work by the Office of Fiscal and Program Review and the Revisor's Office.

Based upon my understanding of the study proposals and time allocated for them, it is my view that, should the studies (and staffing commitments) be authorized, this office can sufficiently support the study committees in their work. Once the Council has authorized the allocation of staff resources to the studies, I can develop tentative study schedules and staffing assignments to prepare for the study committees being convened.

On the summary sheet I have noted study start and reporting dates to the extent they are known. These dates affect our ability to fully support study committees through to completion of their work, particularly if implementing legislation will need to be prepared in conjunction with or following issuance of a final report.

A reporting date in the period of 11/1 - 11/15 has been used successfully in the past. As you know, after that time our responsibilities regarding the upcoming 2nd Regular Session begin to take precedence. Similarly, early appointment and convening of the study committees will assist in allowing for adequate time for the committees to work.

One final note: Bills that have emergency preambles are noted in the summary (following the bill title). Bills that are not enacted as emergency will not become effective until 90 days after adjournment. For those studies, membership can't be appointed or committees convened until well into the fall.

If the Council would like any additional information, please let me know.

9964WPPOPLA

Attachment

POTENTIAL STUDIES FOR INTERIM

LD #	Status	Title	Committee	Duties	Size / # of Legislators	Start Date	Reporting Date	Staffing	Fiscal Information	LA/Researcher/Sec. Requirements
646 (Letter to Council)	Carry Over Approved	An Act to Reinstate the Laws Governing Dam Abandonment	NAT	Meet 4 times to study: issues related to dam abandonment, and burden of dam relicensing.	NAT Committee	TBD	TBD	Legislative Council	Not available	
1358 (Letter to Council)	Carry Over Approved	An Act to Authorize the Formation of Limited Liability Partnerships	JUD	Interested parties, including proponents of the bill, attorneys & the Sec. of State's Office will meet over the interim to work on the proposal with the goal of bringing back a comprehensive redraft in Jan. The working group will keep JUD committee informed of work.	Not specified, as many as 4 members of JUD may participate	Not specified	Will bring back redraft Jan. 1996	Requested JUD's Legislative Analyst	Not available	
481 H-390 (HA)	H-Passed S-Approp. Table	Resolve, To Improve Postsecondary Education in the State (Emergency)	EDU	Commission on Higher Educ. will review the roles and structure of State's institutions of higher educ., the adequacy of opportunity, utilization of resources, funding levels, distance learning through ITV, role of the Legislature, etc.	11, no legislators specified	Within 15 days following appointments	No later than Dec. 15, 1995	Leg. Council, University, Professional	G.F. \$100,000 for per diem and expenses of members, prof. services and misc. expenses	
631 H-432 (CA)	H-Enacted S-Approp. Table	An Act to Increase Access to the Legislature and Government Services for Persons Who Are Deaf or Hard of Hearing and to Make Progress Towards Compliance with the Americans with Disabilities Act	JUD	Report by the Executive Director of the Legislative Council shall address the use of closed caption systems, provision of portable assistive listening systems, plans to achieve compliance with state federal laws regarding the deaf and hard of hearing, schedule of compliance, costs involved. Executive Department must submit similar report.	N/A	Not specified	No later than March 1, 1996	Legislative Council	Costs absorbed by the Legislature	

LD #	Status	Title	Committee	Duties	Size / # of Legislators	Start Date	Reporting Date	Staffing	Fiscal Information	LA/Researcher/Sec. Requirements
746 H-244 (CA) S-258 (SA)	H-Passed S-Approp. Table	Resolve, to Create the Commission to Study the Growth of Tax-exempt Property in Maine's Towns, Cities, Counties and Regions and its Impact on those Budgets (Emergency)	TAX	The commission shall study the rate of growth in tax-exempt property, use of service charges in lieu of taxes, the history of each exemption and its rationale, etc.	21 members, 3 leg. from TAX, 3 leg. from SLG	Within 14 days following appointments	Within 30 days after convening of 2nd Regular Session of the 117th	Legislative Council	G.F. \$1,000 for advertising and misc. expenses	
1063 S-251 (CA)	H-Passed S-Approp. Table	Resolve, to Require a Study of Retail Competition in the Electric Utility Industry (Emergency)	UTE	Examine issues associated with the orderly transition to a competitive market for sales of electric energy; develop plan for such transition; report to committee and PUC.	18 members, 4 legislators from UTE	No later than July 30, 1995	No later than Nov. 1, 1995	Legislative Council	G.F. \$2,600 for per diem and expenses of legislative members and misc. costs	
1189 H-339 (CA) H-473 (HA)	H-Passed S-Approp. Table	Resolve, to Create a Task Force on Tax Increment Financing	TAX	Task Force will study issues related to the current municipal development and tax increment financing laws, and changing those laws; must hold at least 2 public hearings.	13 members, 2 Senators (1 TAX, 1 BEC) 4 Representatives (2 TAX, 2 BEC)	Oct. 15, 1995	No later than Jan. 15, 1996	Legislative Council	G.F. \$4,000 for the expenses of members and printing and public hearing expenses	
1217 H-601 (CA) H-602 (CB)	H-Unfin. Business S-	(Majority) Resolve, Establishing the Study Commission on Property Rights and the Public Health, Safety and Welfare (Emergency) (Minority) An Act to Protect Constitutional Property Rights and to Provide Just Compensation	JUD	The Commission will study Constitutional private property rights protections and examine questions on the issue of takings; must hold at least 3 public hearings. Commission will study US and ME Constitutional private property rights and examine questions on the issue of takings; must hold at least 3 public hearings.	20 members, 5 leg. from JUD 1 leg. from NAT 1 leg. from ACF 1 leg. from SLG 1 leg. from IFW 9 members, 5 leg. from JUD 1 leg. from NAT 1 leg. from IFW 1 leg. from SLG 1 leg. from ACF	Aug. 15, 1995 Oct. 1, 1995	No later than Dec. 1, 1995 No later than Dec. 15, 1995	Legislative Council Legislative Council	G.F. \$6,725 for the per diem and expenses of legislative members and public hearing and misc. costs G.F. \$4,250 for the expenses of members and for public hearing and misc. costs	

LD #	Status	Title	Committee	Duties	Size / # of Legislators	Start Date	Reporting Date	Staffing	Fiscal Information	LA/Researcher/Sec. Requirements
1343 H-344 (CA)	H-Passed S-Approp. Table	Resolve, Establishing a Commission to Study the Trespass Laws (Emergency)	IFW	Study existing trespass laws and make recommendations for revision and consolidation of those laws to better meet the needs of landowners and citizens.	16 members, 2 legislators from IFW	Following the appointment of all the members	No later than Dec. 1, 1995	Legislative Council	G.F. \$1,050 for expenses of legis. members and misc. costs; other costs absorbed	
1345 H-450 (CA) H-465 (HA)	H-Passed S-Approp. Table	Resolve, to Require a Review of the Beverage Container Deposit Laws (Emergency)	BEC	Review all aspects of the beverage container deposit laws, including changes in deposit value, impact on recycling and solid waste, enforcement, etc., in 5 meetings.	6 members, 2 leg. from BEC 2 leg. from NAT	15 days after adjournment of First Regular Session of 117th	No later than Nov. 15, 1995 (Oral report to BEC by Jan. 1, 1996)	Legislative Council	G.F. \$3,020 for per diem and expenses of legislative members and misc. costs	
1401 S-271 (CA)	H-Enacted S-Enacted	An Act Relating to the Establishment of a Continuum of Quality and Affordable Long-Term Care and Service Alternatives (Emergency)	HUM	Assisted Living Task Force will review state law and regulations governing housing and services for older and disabled adults, review development of such services nationwide, propose laws and regulations, consult with interested parties, etc.	16 members, 1 Senator and 1 Representative from HUM	Aug. 1, 1995	No later than Feb. 15, 1996	Legislative Council	Costs absorbed by the Legislature and the member departments and agencies	
1436 H-518 (CA)	H-Passed S-Passed	Resolve, to Preserve the Dairy Industry in the State (Emergency)	ACF	Study the situation of dairy farmers and strategies for ensuring long-term stability of industry, including cost of production, marketing, etc.	13 members, 5 legislators, at least 2 from ACF	Aug. 15, 1995	No later than Dec. 15, 1995	Legislative Council	O.S.R. \$8,000 for per diem for leg. members, expenses for all members	
1439 H-591 (CA)	H-Engross. amend by CA S-Engross. amend by CA	An Act to Provide for Alternative Dispute Resolution in Domestic Relations Matters and to Provide for the Recodification and Revision of the Maine Revised Statutes, Title 19	JUD	ROS and OPLA shall jointly prepare a bill that recodifies Title 19. They shall invite participation of interested parties. The chairs of the JUD committee shall oversee preparation of the legislation.	JUD chairs to provide oversight	Not specified	No later than Nov. 1, 1995	ROS and OPLA	Costs absorbed by the Legislature	

LD #	Status	Title	Committee	Duties	Size / # of Legislators	Start Date	Reporting Date	Staffing	Fiscal Information	LA/Researcher/Sec. Requirements
1474 S-260 (CA) H-525 (HA)	H-Enacted S-Enacted	An Act to Establish the Maine Judicial Compensation Commission	JUD	Commission shall study and make recommendations concerning the salary, benefits & retirement to be paid justices and judges (ongoing)	3 members, no legislators	5 days following appointments	Dec. 1 of each odd-numbered year (repealed Dec. 31, 1999)	Legislative Council (when Leg. not in session)	Costs absorbed by the Legislature and the Judicial Department	
1496 S-322 (CA) S-323 (CB)	H- S-Tabled	An Act to Improve the AFDC Program	HUM	(Majority) Commission to Study Poverty Among Working Parents shall examine current labor laws and practices, labor market participation, evaluate Unemployment Ins. Program, examine State Earned Income Tax Credit, examine wages and protection available to part-time and temp. workers, etc.	21 members, 2 Senators 2 Representatives	Oct. 1, 1995	No later than Nov. 15, 1996	Legislative Council	G.F. \$500	
1530 S-311 (CA)	H-Engross. amend by CA S-same	An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife (Emergency)	IFW	The task force shall conduct a comprehensive review of the operations and functions of the Department of Inland Fisheries and Wildlife.	8 members, 5 legislators from IFW	July 15, 1995	No later than Jan. 1, 1996	Legislative Council	Costs absorbed by IFW (per diem and expenses to be paid by Dept.)	

SENATE

WILLIS A. LORD, DISTRICT 34, CHAIR
W. JOHN HATHAWAY, DISTRICT 32
RICHARD P. RUHLIN, DISTRICT 6

DEB FRIEDMAN, LEGISLATIVE ANALYST
JON CLARK, LEGISLATIVE ANALYST
LYNNE HANLEY, COMMITTEE CLERK



STATE OF MAINE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

COMMITTEE ON NATURAL RESOURCES

Dam Abandonment

HOUSE

RICHARD A. GOULD, GREENVILLE, CHAIR
THOMAS E. POULIN, OAKLAND
JANE W. SAXL, BANGOR
RANDALL L. BERRY, LIVERMORE
JUNE C. MERES, NORRIDGEWOCK
DAVID C. SHIAH, BOWDOINHAM
ERNEST C. GREENLAW, STANDISH
CATHARINE L. DAMREN, BELGRADE
ROY I. NICKERSON, TURNER
JOHN P. MARSHALL, ELIOT

May 16, 1995

Senator Jane Amero, Chair
Legislative Council
117th Maine Legislature

Dear Senator Amero:

We are writing on behalf of the Joint Standing Committee on Natural Resources to request permission for the committee to conduct a study during the up-coming interim on issues relating to dams.

We propose to study two major issues:

1. Issues related to abandonment of dams not now regulated by the FERC or the state DEP, including water level regimes, draw downs, effects on fisheries and revegetation planning; and
2. The costs and time involved in licensing and relicensing which may cause dam ownership and operation to become uneconomic and thus result in some form of abandonment, and what may be done to reduce these regulatory burdens or to facilitate dam transfer to government or other entities which are willing to manage the operation of these dams.

We would propose to meet no more than 4 times over the course of the interim. We would request the assistance of staff appointed by the Council.

In a separate letter (copy attached) we have requested to carry over LD 646, "An Act to Reinstate the Laws Governing Dam Abandonment". This bill would provide us a useful vehicle for reporting out our recommendations on these issues next session.

Thank you for your consideration.

Sincerely,

Willis A. Lord
Willis A. Lord
Senate Chair

Richard A. Gould
Richard A. Gould
House Chair

cc: Members, Joint Standing Committee on Natural Resources
Members, Legislative Council

6860NRG

SENATE

S. PETER MILLS, DISTRICT 13, CHAIR
JOAN M. PENDEXTER, DISTRICT 31
SEAN F. FAIRCLOTH, DISTRICT 9

MARGARET REINSCH, LEGISLATIVE ANALYST
SUSAN PINETTE, COMMITTEE CLERK



STATE OF MAINE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

COMMITTEE ON JUDICIARY
June 6, 1995

Judiciary
HOUSE

SHARON TREAT, GARDINER, CHAIR
WILLIAM LEMKE, WESTBROOK
FRED L. RICHARDSON, PORTLAND
KYLE W. JONES, BAR HARBOR
LLOYD P. LAFOUNTAIN III, BIDDEFORD
ELIZABETH WATSON, FARMINGDALE
DEBRA D. PLOWMAN, HAMPDEN
ROBERT R. HARTNETT, FREEPORT
DAVID R. MADORE, AUGUSTA
RICHARD A. NASS, ACTON

The Honorable Senator Jane A. Amero
Chair, Legislative Council
117th Maine Legislature
State House Station 115
Augusta, Maine 04333

RE: Carryover request

Dear Senator Amero:

Thank you for your favorable consideration of our earlier carry over request. We have one additional bill that we would like to carry over.

- **LD 1358 An Act to Authorize the Formation of Limited Liability Partnerships.**

Reason for carryover request:

This bill establishes enabling legislation for transforming a general partnership into a limited liability partnership. The proposal raises both logistical and legal questions that can best be resolved by involving the interested parties, including proponents, attorneys and the Secretary of State's Office. We have secured an agreement that all interested parties will continue to work on the proposal during the interim with the goal of bringing back a comprehensive redraft in January. We have requested that our Legislative Analyst also participate in the discussions and drafting. The working group will keep the Committee informed of its work and we anticipate that as many as 4 members of the Committee may join in the discussions.

The Committee favors the passage of this legislation, but there are too many problems to be solved and policy decisions to be made for us to handle the bill adequately now. We therefore request authorization to carry over the bill until the Second Regular Session.

Sincerely,

Sen. S. Peter Mills, Jr.
Senate Chair

Rep. Sharon Anglin Treat
House Chair

7987LHS



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 481

H.P. 361

House of Representatives, February 9, 1995

Resolve, to Improve Postsecondary Education in the State.

(EMERGENCY)

Received by the Clerk of the House on February 7, 1995. Referred to the Committee on Education and Cultural Affairs and ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MITCHELL of Vassalboro.

Cosponsored by Representative WATSON of Farmingdale, Senator O'DEA of Penobscot and Representatives: ADAMS of Portland, AHEARNE of Madawaska, AULT of Wayne, BERRY of Livermore, BRENNAN of Portland, BUNKER of Kossuth Township, CAMERON of Rumford, CLARK of Millinocket, CLOUTIER of South Portland, DAGGETT of Augusta, DAVIDSON of Brunswick, FISHER of Brewer, GERRY of Auburn, GOULD of Greenville, GREEN of Monmouth, HATCH of Skowhegan, JACQUES of Waterville, JOSEPH of Waterville, KEANE of Old Town, KERR of Old Orchard Beach, KILKELLY of Wiscasset, LaFOUNTAIN of Biddeford, LEMAIRE of Lewiston, LIBBY of Buxton, MADORE of Augusta, MITCHELL of Portland, MORRISON of Bangor, MURPHY of Berwick, O'GARA of Westbrook, O'NEAL of Limestone, POULIN of Oakland, POVICH of Ellsworth, ROSEBUSH of East Millinocket, SAXL of Bangor, SHIAH of Bowdoinham, STEVENS of Orono, TREAT of Gardiner, TRIPP of Topsham, WHEELER of Bridgewater, Senators: BUSTIN of Kennebec, CAREY of Kennebec, McCORMICK of Kennebec, RUHLIN of Penobscot.

2 **Emergency preamble.** Whereas, Acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

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6 **Whereas,** there are many important and unresolved policy
questions concerning the missions, roles and organizational
structure of the State's higher education institutions; and

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10 **Whereas,** there is an immediate need to address issues
concerning the Education Network of Maine, the interactive
television network of the University of Maine System; and

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14 **Whereas,** immediate formation of a commission to address
higher education issues will aid the Legislature in establishing
policy in higher education; and

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18 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore, be it

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24 **Sec. 1. Moratorium declared. Resolved:** That the Board of
Trustees of the University of Maine System declare a moratorium
on all initiatives by or on behalf of the Education Network of
Maine designed to confer degree-granting authority to the
network; and be it further

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30 **Sec. 2. Commission established. Resolved:** That the Commission
on Higher Education Governance, referred to in this resolve as
the "commission," is established; and be it further

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34 **Sec. 3. Commission membership. Resolved:** That the commission
consists of 7 members appointed as follows:

36 1. Three members, including the chair of the commission,
appointed by the Governor;

38 2. Two members appointed by the President of the Senate; and

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42 3. Two members appointed by the Speaker of the House of
Representatives; and be it further

44 **Sec. 4. Appointments; meetings. Resolved:** That all
appointments must be made no later than 30 days following the
effective date of this resolve. Within 15 days of the
appointment of all members, the Chair of the Legislative Council
shall call and convene the first meeting of the commission; and
be it further

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52 **Sec. 5. Duties. Resolved:** That the commission shall:

1. Review the missions, roles, organizational structure and leadership structure of the State's public institutions of higher education, including the Maine Maritime Academy, the Maine Technical College System and the University of Maine System. The commission shall give particular consideration to responsiveness to public demand for higher education services and programs, diverse citizen interests, public accountability, administrative efficiency and quality of education;

2. Conduct a review of state funding levels among all constituent entities of public higher education in the State in relationship to each other and to national averages and trends;

3. Examine the provision of community college services, associate degree programs, baccalaureate programs and graduate programs to ensure that the full range of needed academic programs are widely available in the State and are delivered with minimum overlap by the appropriate institutions; and

4. Examine the role, scope, nature and resource needs of distance learning through instructional television provided by the University of Maine System; and be it further

Sec. 6. Staff assistance. Resolved: That the commission shall request staffing assistance from the Legislative Council and the University of Maine System. The commission may also contract for necessary professional assistance; and be it further

Sec. 7. Reimbursement. Resolved: That the members of the commission are entitled to receive the legislative per diem and must be reimbursed for expenses upon approval of the chair of the commission and application to the Executive Director of the Legislative Council; and be it further

Sec. 8. Report. Resolved: That the commission shall submit a report outlining its findings pursuant to section 5, together with any necessary implementing legislation, to the Second Regular Session of the 117th Legislature no later than December 15, 1995; and be it further

Sec. 9. Moratorium duration. Resolved: That the moratorium imposed under section 1 remains in effect until March 15, 1996 or until the recommendations of the Commission on Higher Education Governance are reviewed and acted upon by the Second Regular Session of the 117th Legislature, whichever occurs first.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

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STATEMENT OF FACT

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This resolve requires the Board of Trustees of the University of Maine System to declare a moratorium on all efforts to confer degree-granting status on the Education Network of Maine.

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10 It also establishes the 7-member Commission on Higher Education Governance. The commission has the following duties:

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1. To review the missions, roles, organizational structures and leadership structures of the State's public institutions of higher education;

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2. To conduct a review of state funding to the State's public institutions of higher education;

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3. To examine the provision of higher education academic programs available statewide to ensure availability and minimum overlap; and

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4. To examine the needs, role, scope and nature of distance learning through instructional television in the State.

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Rds

L.D. 481

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DATE: 6/7/95 (Filing No. H- 390)

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 361, L.D. 481, "Resolve, to Improve Postsecondary Education in the State"

Amend the resolve in the emergency preamble by striking out all of the 3rd "Whereas," paragraph (page 1, lines 9 to 11 in L.D.).

Further amend the resolve by striking out all of section 1.

Further amend the resolve by striking out all of section 3 and inserting in its place the following:

'Sec. 3. Commission membership. Resolved: That the commission consists of 11 members, none of whom may be employed by public or private institutions of higher education in the State, appointed as follows:

- 1. Five members, including the chair of the commission, appointed by the Governor;
- 2. Three members appointed by the President of the Senate; and
- 3. Three members appointed by the Speaker of the House of Representatives; and be it further'

Further amend the resolve by striking out all of section 5 and inserting in it place the following:

RMS

HOUSE AMENDMENT "A" to H.P. 361, L.D. 481

'Sec. 5. Duties. Resolved: That the commission shall:

1. Review the missions, roles, organizational structure and leadership structure of the State's public institutions of higher education, including the Maine Maritime Academy, the Maine Technical College System and the University of Maine System;

2. Examine the adequacy of opportunities offered to meet the diverse needs of people of the State by public institutions of higher education and the role of the State's private institutions of higher education in complementing those opportunities;

3. Examine how effectively and productively resources are utilized to achieve higher education institutional missions and address the State's economic and social needs;

4. Conduct a review of state funding levels among all constituent entities of public higher education in the State in relationship to each other and to national averages and trends;

5. Review the level and type of state-funded financial aid available to resident students;

6. Examine the provision of community college services, associate degree programs, baccalaureate programs and graduate programs to ensure that the full range of needed academic programs are widely available in the State and are delivered without wasteful overlap by the appropriate institutions;

7. Examine the role, scope, nature and resource needs of distance learning through instructional television provided by the University of Maine System; and

8. Examine the relationship between State Government and the State's private institutions of higher education, including the role of the Legislature in approving degree programs at private institutions of higher education; and be it further'

Further amend the resolve in section 8 in the 2nd line (page 2, line 36 in L.D.) by striking out the following: "pursuant to section 5" and inserting in its place the following: 'pursuant to section 4'

Further amend the resolve by striking out all of section 9 and inserting in its place the following:

'Sec. 9. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

Re: 8

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1995-96

LEGISLATURE

Commission on Higher Education Governance

Personal Services	\$6,050
All Other	93,950

Provides funds to the Commission on Higher Education Governance for the per diem and expenses of members, to contract for professional services and for miscellaneous commission expenses.

**LEGISLATURE
TOTAL**

\$100,000'

Further amend the resolve by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the resolve by inserting at the end before the statement of fact the following:

FISCAL NOTE

1995-96

APPROPRIATIONS/ALLOCATIONS

General Fund	\$100,000
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This resolve includes a General Fund appropriation of \$100,000 in fiscal year 1995-96 for the Legislature for the per diem and expenses of members, professional services and miscellaneous expenses of the Commission on Higher Education Governance.

The additional costs to provide staff assistance to the commission can be absorbed by the Legislature and the University of Maine System utilizing existing budgeted resources.'

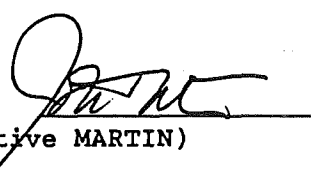
STATEMENT OF FACT

This amendment strikes from the resolve the moratorium on all initiatives designed to confer degree-granting authority on

HOUSE AMENDMENT "A" to H.P. 361, L.D. 481

the Education Network of Maine. The amendment increases the membership of the Commission on Higher Education Governance from 7 to 11 members and adds new duties to the commission, including review of the type and amount of financial aid available to Maine students and the relationship between State Government and Maine's private institutions of higher education.

The amendment also adds an appropriation section and fiscal note to the resolve.

SPONSORED BY: 
(Representative MARTIN)

TOWN: Eagle Lake

THAT BE IT ENACTED

Further amend the bill in section 2 in that part designated "§48." in subsection 1 by striking out all of paragraph D (page 2, lines 42 to 44 in L.D.) and inserting in its place the following:

'D. "Hearing--impaired Hard-of-hearing person" means a person whose--sense--of--hearing--is--defective,--but--still functional,--with--or--without--amplification who has a hearing loss resulting in a functional loss, but not to the extent that the person must depend primarily upon visual communication.'

Further amend the bill in section 2 in that part designated "§48." by striking out all of subsection 5.

Further amend the bill by striking out all of sections 3 and 4 and inserting in their place the following:

(Sec. 3.) Report from Legislative Council and state accessibility office. The Executive Director of the Legislative Council, on behalf of the Legislature, and the state accessibility office within the Department of Education, Office of Rehabilitation Services, on behalf of the Executive Department, shall submit reports to the Joint Standing Committee on Judiciary and the Joint Standing Committee on State and Local Government by March 1, 1996. The reports must address the use of closed captioning and large-area listening systems in all facilities used for public meetings and public legislative functions, the provision of portable assistive listening systems and full audio wiring of all legislative hearing rooms. The reports must include plans to achieve compliance with all requirements of state and federal law regarding the deaf and hard of hearing. The reports must include a schedule for achieving compliance and a listing of all tasks, services and costs involved and any necessary legislation.

Sec. 4. Process for hiring interpreters. When hiring the 2 interpreters pursuant to the Maine Revised Statutes, Title 3, section 163-B, the Legislative Council shall include in the hiring process and in the interviews a committee of the deaf and hard of hearing and a certified interpreter recommended by the Maine Registry of Interpreters for the Deaf to ensure that the interpreters who are hired are able to communicate effectively with deaf or hard-of-hearing persons. The Legislative Council may determine whether the most cost-effective method of providing the interpreter services under Title 3, section 163-B is by hiring session-only employees or by entering into a contract to provide the same level of services.

CH 176
Taxation
L.D. 746

5
DATE: 5/11/95

(Filing No. H- 244)

MINORITY
TAXATION

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 550, L.D. 746, Bill, "An Act to Amend the Law Relating to Municipal Service Fees and to Modify the Reimbursement Policy for Hospitals to Recover Service Fees Paid"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Create the Commission to Study the Growth of Tax-exempt Property in Maine's Towns, Cities, Counties and Regions and its Impact on those Budgets'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, nonprofit agencies need a variety of services from municipal governments; and

Whereas, most nonprofit agencies are not required to pay service fees or make payments in lieu of taxes; and

Whereas, municipal budgets are being strained by continued growth in tax-exempt property without concomitant growth in service fees or payments in lieu of taxes or without the capacity for any local revenue options; and

COMMITTEE AMENDMENT

2 **Whereas**, in the judgment of the Legislature, these facts
4 create an emergency within the meaning of the Constitution of
6 Maine and require the following legislation as immediately
 necessary for the preservation of the public peace, health and
 safety; now, therefore, be it

8 **Sec. 1. Commission established. Resolved:** That the Commission
10 to Study the Growth of Tax-exempt Property in Maine's Towns,
 Cities, Counties and Regions, referred to in this resolve as the
 "commission," is established; and be it further

12 **Sec. 2. Commission membership. Resolved:** That the commission
14 consists of 21 members as follows:

16 1. Two members of the Senate, one from the Joint Standing
18 Committee on Taxation and one from the Joint Standing Committee
 on State and Local Government, appointed by the President of the
 Senate;

20 2. Four members of the House of Representatives, 2 from the
22 Joint Standing Committee on Taxation and 2 from the Joint
 Standing Committee on State and Local Government, appointed by
24 the Speaker of the House of Representatives;

26 3. The President of the Maine Municipal Association or a
 designee;

28 4. Four municipal officials appointed by the Governor as
30 follows: one from a municipality with less than 1,000 in
 population; one from a municipality with greater than 1,000 and
32 less than 10,000 in population; and 2 from municipalities with
 greater than 10,000 in population;

34 5. Four representatives of nonprofit agencies, including
36 one from a hospital, one from an educational institution, one
 from a charitable and benevolent institution and one from an
 environmental organization with significant land holdings;

38 6. The State Tax Assessor or a designee;

40 7. A member of the Maine Association of Assessing Officers;

42 8. A member of the Maine Tax Collectors Association; and

44 9. Three members of the general public who pay property
46 taxes, appointed by the Governor; and be it further

48 **Sec. 3. Convening of commission. Resolved:** That all
 appointments must be made no later than 30 days after the

effective date of this resolve. The chair of the Legislative Council shall call the first meeting of the commission within 14 days after all appointments are made. The commission shall elect a chair from among the members; and be it further

Sec. 4. Duties. Resolved: That the commission shall study the following issues:

1. The rate of growth in tax-exempt property as a percentage of all taxable property in a town, city, county or region;

2. The use of service charges and payments in lieu of taxes and their impact on nonprofit entities;

3. The history and rationale for each property tax exemption and whether that rationale continues to be valid; and

4. Any other issues that are related to tax-exempt property in Maine's communities, that the commission determines appropriate; and be it further

Sec. 5. Report. Resolved: That the commission shall prepare a written report of its findings and submit the report, together with any necessary implementing legislation, within 30 days after the convening of the Second Regular Session of the 117th Legislature; and be it further

Sec. 6. Staff assistance. Resolved: That the commission shall request staffing assistance from the Legislative Council; and be it further

Sec. 7. Reimbursement. Resolved: That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at meetings of the commission. All members are entitled to reimbursement for travel and other necessary expenses upon application to the Legislative Council. The Executive Director of the Legislative Council shall administer the commission's budget; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1995-96

LEGISLATURE

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Ads

L.D. 746

DATE: June 13, 1995

(Filing No. S- 258)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A " to COMMITTEE AMENDMENT "A" to H.P. 550, L.D. 746, Bill, "An Act to Amend the Law Relating to Municipal Service Fees and to Modify the Reimbursement Policy for Hospitals to Recover Service Fees Paid"

Amend the amendment by striking out all of sections 7 and 8 and inserting in their place the following:

Sec. 7. Reimbursement. Resolved: That the members of the commission are not entitled to any reimbursement or compensation for attendance at meetings of the commission; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1995-96

LEGISLATURE

Commission to Study the Growth of
Tax-exempt Property in Maine's Towns,
Cities, Counties and Regions

All Other

\$1,000

Provides funds for the advertising and miscellaneous expenses of the Commission to Study the Growth of Tax-exempt Property in Maine's Towns, Cities, Counties and Regions.

FISCAL NOTE

1995-96

APPROPRIATIONS/ALLOCATIONS

General Fund

\$1,000

The amendment eliminates the per diem or expense reimbursement for any members of the Commission to Study the Growth of Tax-exempt Property in Maine's Towns, Cities, Counties and Regions, which reduces the required General Fund appropriation by \$7,400 to \$1,000.

STATEMENT OF FACT

This amendment provides that members of the Commission to Study the Growth of Tax-exempt Property in Maine's Towns, Cities, Counties and Regions are not entitled to compensation or reimbursement.

SPONSORED BY:

(Senator HATHAWAY)

COUNTY: York

L.D. 1063

DATE: June 12, 1995

(Filing No. S- 251)

UTILITIES AND ENERGY

Reported by: Senator CARPENTER of York for the Committee.

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 386, L.D. 1063, "Resolve, to Require a Study of the Structure of the Electric Utility Industry by the Public Utilities Commission"

Amend the resolve by striking out the title and substituting the following:

'Resolve, to Require a Study of Retail Competition in the Electric Industry'

Further amend the resolve by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is immediately necessary to begin the study of an orderly transition to a competitive electric energy market to ensure that the transition is orderly and conducted in the best interests of the State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

2 **Sec. 1. Study. Resolved:** That the Public Utilities Commission
and the Work Group on Electric Industry Restructuring, which is
4 created by this resolve, shall conduct a study of the electric
industry in order to develop plans, consistent with the public
6 interest, that establish guidelines and requirements for an
orderly transition to a competitive market for retail purchases
and sales of electric energy; and be it further

8
10 **Sec. 2. Issues. Resolved:** That the Public Utilities Commission
and the work group shall study the issues associated with the
12 orderly transition to a competitive market for retail purchases
and sales of electric energy, including at least the following:

14 1. How utility stranded investment is defined and
calculated and how it will be dealt with;

16 2. How the regional marketplace and federal law affect the
18 transition;

20 3. How the State's energy policy, including policies
concerning conservation, use of renewable and indigenous
22 resources and diversity of supply, will be affected;

24 4. How the State's environment and environmental policies
will be affected;

26 5. How social policies, including low-income programs and
28 universal service goals, will be affected;

30 6. How ratepayers, shareholders of investor-owned electric
utilities, owners of consumer-owned electric utilities and other
32 owners of energy resources will be affected;

34 7. How the State's economy will be affected;

36 8. How reliability of service will be affected;

38 9. How obligations of contracts will be affected;

40 10. How a system for the transmission, distribution and
generation of electricity should be structured; and

42 11. To what extent protections against anticompetitive
44 practices can be provided; and be it further

→ 46 **Sec. 3. Work group created. Resolved:** That the Work Group on
Electric Industry Restructuring, referred to in this resolve as
48 the "work group," is established; and be it further

2 **Sec. 4. Work group membership; meetings; chair. Resolved:** That
the work group consists of 18 members as follows:

4 1. Four Legislators who must be members of the Joint
6 Standing Committee on Utilities and Energy, appointed jointly by
the chairs of that committee;

8 2. One member representing the State Planning Office,
appointed by the Governor;

10 3. The Public Advocate or the Public Advocate's designee;

12 4. One member representing the Public Utilities Commission,
14 appointed by the chair of the commission;

16 5. One member representing Central Maine Power Company,
designated by the president of the company;

18 6. One member representing Bangor Hydro-electric Company,
20 designated by the president of the company;

22 7. One member representing Maine Public Service Company,
designated by the president of the company;

24 8. One member representing the consumer-owned electric
26 utilities, designated by Dirigo Electric Cooperative;

28 9. One member representing small business customers,
appointed by the Governor;

30 10. One member representing the Industrial Energy Consumer
32 Group, designated by that group;

34 11. One member representing the Conservation Law Foundation,
appointed by the foundation;

36 12. One member representing the Independent Energy Producers
38 of Maine, designated by that group;

40 13. One representative of Maine Yankee Atomic Power Company,
designated by the president of the company; and

42 14. Two members appointed by the Governor representing the
44 interests of low-income or elderly customers.

46 Appointments and designations must be made no later than 30
48 days following the effective date of this resolve. The
appointing and designating entities shall notify the Executive
Director of the Legislative Council upon making their
50 appointments or designations.

2 When the appointment and designation of all members of the
4 work group is completed, the chair of the Legislative Council
6 shall call the work group together for its first meeting no later
than July 30, 1995. The work group shall select a legislative
member as chair; and be it further

8 **Sec. 5. Work group study; duties. Resolved:** That the work group
shall examine at least the issues listed in section 2 of this
10 resolve. To the extent the work group can reach agreement on how
the issues should be dealt with, the work group shall develop a
12 plan for the orderly transition to a competitive market for
retail purchases and sales of electric energy. The plan must
14 identify all necessary regulatory and statutory changes. Any
plan developed by the work group must be supported by at least 12
16 members of the work group. The work group shall identify all
issues on which the work group can not come to agreement; and be
18 it further

20 **Sec. 6. Staff. Resolved:** That the work group may request
staffing assistance from the Legislative Council. The work group
22 may also request clerical assistance from the Legislative
Council; and be it further

24 **Sec. 7. Resources; procedures. Resolved:** That the work group may:

26
1. Seek and receive funding from governmental entities or
28 from nonprofit organizations for all or portions of the costs of
conducting the study. The work group may accept and spend funds
30 only if approved by the Legislative Council and a majority of the
work group members approve of the funding source. The Executive
32 Director of the Legislative Council shall administer the work
group's budget;

34 2. Collect and analyze relevant information and data;

36 3. Conduct literature searches;

38 4. Conduct legal research and prepare legal opinions on
40 questions within the scope of the study;

42 5. Hold meetings at convenient times and locations; and

44 6. Seek and receive assistance and information from any
agency of State Government; and be it further

46
48 **Sec. 8. Compensation. Resolved:** That the members of the work
group who are Legislators are entitled to the legislative per
diem as defined in the Maine Revised Statutes, Title 3, section

2, for each day's attendance at the work group's meetings; and be it further

Sec. 9. Work group report. Resolved: That, unless an extension is approved by the Legislative Council, the work group shall present its findings in a report to the Second Regular Session of the 117th Legislature, the Joint Standing Committee on Utilities and Energy and the Public Utilities Commission no later than November 1, 1995; and be it further

Sec. 10. Public Utilities Commission investigation. Resolved: That the Public Utilities Commission shall conduct a study to develop at least 2 plans for the orderly transition to a competitive market for retail purchases and sales of electric energy as follows:

1. A plan to achieve full retail market competition for purchases and sales of electric energy by the year 2000. The plan must identify all necessary regulatory and statutory changes. The plan must be accompanied by a detailed critique of the plan addressing at least the issues identified in section 2 of this resolve; and

2. A plan to achieve retail market competition for purchases and sales of electric energy wherever effective competition is likely and to maintain appropriate regulation in areas where it is determined to be necessary. The plan must identify all necessary regulatory and statutory changes. The plan must be accompanied by a detailed critique addressing at least the issues identified in section 2 of this resolve.

In each plan, the commission shall provide a range of estimates of the costs of each affected utility's stranded investment.

The commission shall incorporate into at least one of the plans it develops all portions of any plan developed by the work group that was supported by at least 12 members of the work group.

The commission shall identify the plan which the commission believes to be in the best interests of the State; and be it further

Sec. 11. Commission process. Resolved: That in conducting its study, the Public Utilities Commission:

1. Shall begin no later than January 1, 1996;

2. Has discretion to distinguish issues of policy, to be resolved by discussion and briefing, from issues of fact, to be

resolved by normal evidentiary proceedings, including by stipulation. With respect to any issue of fact, or otherwise as the commission determines necessary, consistent with the time deadlines contained in this resolve, the commission may streamline the discovery and the hearing process to efficiently utilize the resources of the commission and the parties while ensuring the determination of facts necessary for its decision-making and for substantiating recommendations to the Legislature;

3. Shall examine information related to the issues listed in section 2 of this resolve that is available from other states and other countries on electric utility restructuring;

4. Shall examine information related to the issues listed in section 2 of this resolve that is available on transitions in other industry sectors from a highly regulated market to a competitive market;

5. To the extent possible, pursuant to its authority under the Maine Revised Statutes, Title 35-A, section 118 and any other provision of law, shall seek input from and share information with regulatory bodies and other entities in the other New England states and other states of the northeastern United States; and

6. Shall conduct a minimum of 4 hearings at different locations throughout the State to receive public comment; and be it further

Sec. 12. Legal effect. Resolved: That none of the findings of the Public Utilities Commission has legal effect. The purpose of the study is to provide information to the commission in order to allow it to make informed decisions in developing its plans and to provide information to the Legislature in order to allow the Legislature to make informed decisions when it evaluates those plans; and be it further

Sec. 13. Report. Resolved: That no later than January 1, 1997, the Public Utilities Commission shall complete its study and submit a report of its findings, including the required plans and critiques, to the First Regular Session of the 118th Legislature and to the joint standing committee of the Legislature having jurisdiction over utilities matters; and be it further

Sec. 14. Committee authority. Resolved: That the joint standing committee of the Legislature having jurisdiction over utilities matters may, by unanimous or majority vote of the committee, report out legislation to the First Regular Session of the 118th Legislature on electric industry restructuring; and be it further

Sec. 15. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1995-96

LEGISLATURE

Work Group on Electric Industry Restructuring

Personal Services	\$1,100
All Other	1,500

Provides funds for the per diem and expenses of legislative members and miscellaneous costs of the Work Group on Electric Industry Restructuring.

**LEGISLATURE
TOTAL**

\$2,600

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.'

Further amend the resolve by inserting at the end before the statement of fact the following:

FISCAL NOTE

1995-96

APPROPRIATIONS/ALLOCATIONS

General Fund	\$2,600
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This resolve includes a General Fund appropriation of \$2,600 in fiscal year 1995-96 for the Legislature for the per diem and expenses of legislative members and for miscellaneous costs of the Work Group on Electric Industry Restructuring.

The additional costs to provide staff assistance to the work group can be absorbed by the Legislature utilizing existing budgeted resources.

The Public Utilities Commission will incur some minor additional costs to conduct a certain study and to participate in the Work Group on Electric Industry Restructuring. These costs

can be absorbed within the commission's existing budgeted resources.

The State Planning Office and the Public Advocate will incur some minor additional costs to participate in the Work Group on Electric Industry Restructuring. These costs can be absorbed within the agencies' existing budgeted resources.'

STATEMENT OF FACT

This amendment replaces all the provisions of the resolve. The amendment:

1. Creates a 2-part study designed to develop plans for an orderly transition to a competitive market for retail purchases and sales of electric energy;

2. Creates the Work Group on Electric Industry Restructuring, composed of 18 members, to study the transition and to develop a consensus on as many of the relevant issues as possible;

3. Directs the Public Utilities Commission to conduct a study of the transition and to develop at least 2 plans for the transition as follows:

A. A plan to achieve full retail market competition for purchases and sales of electric energy by the year 2000; and

B. A plan to achieve retail competition wherever effective competition is likely and to maintain regulation in areas where necessary.

The plans must be accompanied by detailed critiques based on certain issues and the commission shall identify the plan it believes to be in the best interests of the State. The commission shall incorporate in its plans all portions of any plan developed by the work group on which the work group reached agreement. The commission shall submit its report to the Legislature by January 1, 1997;

4. Establishes a list of issues that must be examined by the work group and the commission. This list of issues was developed in tandem with another list that has come to be known as the "Ad Hoc Committee List." The Ad Hoc Committee List includes a considerable number of issues identified by various stakeholders and is organized around the 11 issues identified in this resolve. This list provides a more complete compilation of the issues raised by electric industry restructuring and constitutes

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COMMITTEE AMENDMENT "A" to S.P. 386, L.D. 1063

an important part of the legislative history of this resolve;

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4 5. Authorizes the joint standing committee of the
Legislature having jurisdiction over utilities matters to report
out legislation to the First Regular Session of the 118th
6 Legislature on electric industry restructuring;

8

6. Establishes that none of the findings of the commission
has legal effect;

10

12 7. Adds an emergency preamble and an emergency clause to the
resolve; and

14

8. Adds an appropriation section and a fiscal note to the
resolve.



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1189

H.P. 858

House of Representatives, April 4, 1995

**Resolve, to Create a Task Force on Economic Development Tax
Incentives.**

(EMERGENCY)

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ROWE of Portland.
Cosponsored by Senator HARRIMAN of Cumberland and
Representatives: BIRNEY of Paris, CAMERON of Rumford, CAMPBELL of Holden,
DAVIDSON of Brunswick, GATES of Rockport, GWADOSKY of Fairfield, KONTOS of
Windham, LaFOUNTAIN of Biddeford, NASS of Acton, REED of Falmouth, REED of
Dexter, RICHARDSON of Portland, SIMONEAU of Thomaston, SIROIS of Caribou,
TOWNSEND of Portland, TUTTLE of Sanford, Senators: AMERO of Cumberland,
CIANCHETTE of Somerset, GOLDTHWAIT of Hancock, RAND of Cumberland.

2 **Emergency preamble.** Whereas, Acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

4
6 Whereas, state and municipal economic development tax
incentives can contribute to creation and retention of jobs; and

8 Whereas, such incentives should be consistent with and
complement the State's strategic long-term economic development
plan; and

12 Whereas, current tax increment financing laws do not contain
uniform policies or guidelines to guide municipal legislative
bodies in designating tax increment financing development
districts; and

16
18 Whereas, current tax increment financing laws do not
encourage intermunicipal agreements to assist Maine businesses
seeking to relocate or expand within the State; and

20
22 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore, be it

26
28 **Sec. 1. Task Force; establishment. Resolved:** That the Task
Force on Economic Development Tax Incentives, referred to in this
resolve as the "task force," is established; and be it further

30
32 **Sec. 2. Membership. Resolved:** That the task force consists
of 19 members as follows:

34 1. Two members of the Senate, one of whom serves on the
Joint Standing Committee on Taxation and one of whom serves on
the Joint Standing Committee on Business and Economic
Development, appointed by the President of the Senate;

38
40 2. Six members of the House of Representatives, 3 of whom
serve on the Joint Standing Committee on Taxation and 3 of whom
serve on the Joint Standing Committee on Business and Economic
Development, appointed by the Speaker of the House of
Representatives;

44
46 3. The Commissioner of Economic and Community Development
or the commissioner's designee;

48 4. The State Tax Assessor or the assessor's designee;

50 5. The Director of the State Planning Office or the
director's designee;

2 6. The President of the Maine Municipal Association or the
president's designee;

4
6 7. Three municipal officials appointed by the President of
the Maine Municipal Association;

8 8. The President of the Maine Chamber of Commerce and
Industry or the president's designee; and

10
12 9. Three representatives of business appointed by the
President of the Maine Chamber of Commerce and Industry; and be
it further

14 **Sec. 3. Appointments. Resolved:** That all appointments must be
16 made no later than 30 days following the effective date of this
resolve. The appointing authorities shall notify the Executive
18 Director of the Legislative Council upon making their
appointments. When the appointment of all members is complete,
20 the chair of the Legislative Council shall call and convene the
first meeting of the task force no later than July 15, 1995. The
22 task force shall select a chair or cochairs from among its
legislative members; and be it further

24 **Sec. 4. Duties. Resolved:** That the task force shall study:

26 1. The State's current economic development tax incentive
28 laws, with emphasis on goods and services not subject to tax,
income, sales and property tax-exempt and tax credit laws and
30 municipal development district and tax increment financing laws;

32 2. The experience of business and state and municipal
governments in working with such laws; and

34 3. Other related issues that the task force determines
36 appropriate; and be it further

38 **Sec. 5. Additional duties. Resolved:** That the task force shall
consider changing the State's municipal development district and
40 tax increment financing laws to:

42 1. Provide additional policy guidelines and criteria for
municipal legislative bodies' use in designating development
44 districts pursuant to the Maine Revised Statutes, Title 30-A,
sections 5253 and 5254;

46 2. Increase area and value limits on taxable property
48 available for tax increment financing districts under the Maine
Revised Statutes, Title 30-A, section 5253;

50

2 3. Expand application of state tax increment financing
districts under the Maine Revised Statutes, Title 30-A, section
5254-A to new investments that retain and create jobs; and

4
6 4. Provide mechanisms by which multiple municipalities are
able to establish a single municipal development district and
utilize tax increment financing and state tax increment financing
8 laws; and be it further

10 **Sec. 6. Recommendations. Resolved:** That the task force shall
make recommendations to change any law, rule, regulation or
12 ordinance necessary to ensure that the State's economic
development tax incentive policies and programs maximize creation
14 and retention of quality jobs and compliment the State's
long-term economic development plan while enhancing the stability
16 and predictability of state revenues; and be it further

18 **Sec. 7. Hearings. Resolved:** That the task force shall hold at
least 2 public hearings to receive public input concerning
20 economic development tax incentives; and be it further

22 **Sec. 8. Staff assistance. Resolved:** That the task force may
request staffing assistance from the Legislative Council; and be
24 it further

26 **Sec. 9. Reimbursement. Resolved:** That the task force members
who are Legislators are entitled to receive the legislative per
28 diem, as defined in the Maine Revised Statutes, Title 3, section
2, for each day's attendance at meetings of the task force. All
30 members of the task force are entitled to reimbursement for
travel and other necessary expenses upon application to the
32 Legislative Council. The Executive Director of the Legislative
Council shall administer the task force's budget; and be it
34 further

36 **Sec. 10. Report. Resolved:** That the task force shall submit
its reports with any accompanying legislation to the Second
38 Regular Session of the 117th Legislature by November 1, 1995.

40 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.
42

44 **STATEMENT OF FACT**

46 This resolve establishes the Task Force on Economic
Development Tax Incentives.

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L.D. 1189

DATE: 5/31/95

(Filing No. H- 339)

MAJORITY
TAXATION

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 858, L.D. 1189, "Resolve, to Create a Task Force on Economic Development Tax Incentives"

Amend the resolve by striking out the title and substituting the following:

'Resolve, to Create a Task Force on Tax Increment Financing'

Further amend the resolve in the 2nd paragraph after the title in the first and 2nd lines (page 1, lines 5 and 6 in L.D.) by striking out the following: "economic development tax incentives" and inserting in its place the following: 'tax increment financing districts'

Further amend the resolve in the 3rd paragraph after the title in the first line (page 1, line 8 in L.D.) by striking out the following: "incentives" and inserting in its place the following: 'districts'

Further amend the resolve in section 1 in the 2nd line (page 1, line 28 in L.D.) by striking out the following: "Economic Development Tax Incentives" and inserting in its place the following: 'Tax Increment Financing'

Further amend the resolve in section 2 in the 2nd line (page 1, line 32 in L.D.) by striking out the following: "19" and inserting in its place the following: '13'

Further amend the resolve in section 2 in subsection 1 in the first line (page 1, line 34 in L.D.) by inserting after the following: "Senate," the following: 'not more than one from any one political party,'

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 858, L.D. 1189

2 Further amend the resolve in section 2 in subsection 2 in
the first line (page 1, line 39 in L.D.) by striking out the
4 following: "Six" and inserting in its place the following:
'Four'

6
8 Further amend the resolve in section 2 in subsection 2 in
the first line (page 1, line 39 in L.D.) by striking out the
following: "3" and inserting in its place the following: 'not
10 more than 2 from any one political party, 2'

12 Further amend the resolve in section 2 in subsection 2 in
the 2nd line (page 1, line 40 in L.D.) by striking out the
14 following: "3" and inserting in its place the following: '2'

16 Further amend the resolve in section 2 in subsection 7 in
the first line (page 2, line 5 in L.D.) by striking out the
18 following: "Three municipal officials" and inserting in its
place the following: 'One municipal official'

20
22 Further amend the resolve in section 2 in subsection 9 in
the first line (page 2, line 11 in L.D.) by striking out the
24 following: "Three representatives" and inserting in its place
the following: 'One representative'

26 Further amend the resolve by striking out all of sections 4
and 5 and inserting in their place the following:

28
30 **'Sec. 4. Duties. Resolved:** That the task force shall study:

32 1. The State's current municipal development and tax
increment financing laws;

34 2. The experience of business and state and municipal
governments in working with those laws;

36 3. Other related issues that the task force determines
38 appropriate;

40 4. Changing the State's municipal development district and
42 tax increment financing laws to:

44 A. Provide additional policy guidelines and criteria for
municipal legislative bodies' use in designating development
46 districts pursuant to the Maine Revised Statutes, Title
30-A, sections 5253 and 5254;

48 B. Increase area and value limits on taxable property
50 available for tax increment financing districts under the
Maine Revised Statutes, Title 30-A, section 5253;

COMMITTEE AMENDMENT

C. Expand application of state tax increment financing districts under the Maine Revised Statutes, Title 30-A, section 5254-A to new investments that retain and create jobs; and

D. Provide mechanisms by which multiple municipalities are able to establish a single municipal development district and utilize tax increment financing and state tax increment financing laws; and be it further'

Further amend the resolve in section 6 in the 2nd line (page 3, line 11 in L.D.) by inserting after the following: "recommendations to" the following: 'create or'

Further amend the resolve in section 6 in the 3rd and 4th lines (page 3, lines 12 and 13 in L.D.) by striking out the following: "economic development tax incentive policies and programs" and inserting in its place the following: 'municipal development and tax increment financing laws'

Further amend the resolve in section 6 in the last 2 lines (page 3, lines 15 and 16 in L.D.) by striking out the following: "while enhancing the stability and predictability of state revenues"

Further amend the resolve in section 7 in the last line (page 3, line 20 in L.D.) by striking out the following: "economic development tax incentives" and inserting in its place the following: 'tax increment financing'

Further amend the resolve in section 9 by striking out all of the first sentence

Further amend the resolve in section 9 in the 4th line (page 3, line 29 in L.D.) by striking out the following: "All" and inserting in its place the following: 'That all'

Further amend the resolve in section 10 in the last line (page 3, line 38 in L.D.) by striking out the following: "November 1, 1995" and inserting in its place the following: 'January 15, 1996; and be it further'

Further amend the resolve by inserting at the end before the emergency clause the following:

'Sec. 10. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

RdS.

2

1995-96

4

LEGISLATURE

6

Task Force on Tax Increment Financing

8

All Other

\$5,800

10

Provides funds for the expenses of the Task
Force on Tax Increment Financing.'

12

Further amend the resolve by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

16

Further amend the resolve by inserting at the end before the
statement of fact the following:

20

FISCAL NOTE

1995-96

22

APPROPRIATIONS/ALLOCATIONS

24

General Fund

\$5,800

26

The Legislature will require a General Fund appropriation of
\$5,800 in fiscal year 1995-96 for the Task Force on Tax Increment
Financing for travel and meal expenses of legislative and public
members, printing and public hearing expenses. The additional
costs to provide staffing assistance to the task force can be
absorbed by the Legislature utilizing existing budgeted resources.

34

The costs associated with serving on the task force can be
absorbed by the Bureau of Taxation, the State Planning Office and
the Department of Economic and Community Development within their
existing budgeted resources.'

38

40

STATEMENT OF FACT

42

This amendment makes the following changes to the resolve.
It establishes the Task Force on Tax Increment Financing; changes
the membership on the task force; narrows the scope of the study;
eliminates payment of Legislative per diem; and changes the
reporting date. The amendment also adds an appropriation section
and a fiscal note.

48

L.D. 1189

DATE: 6/14/95

(Filing No. H-473)

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 858, L.D. 1189, "Resolve, to Create a Task Force on Economic Development Tax Incentives"

Amend the amendment by striking out the 2nd and 3rd indented paragraphs after the title (page 1, lines 27 to 36 in amendment) and inserting in their place the following:

'Further amend the resolve by striking out all of the emergency preamble.'

Further amend the amendment by inserting after the 11th indented paragraph after the title the following:

'Further amend the resolve in section 3 in the 2nd line (page 2, line 16 in L.D.) by striking out the following: "30" and inserting in its place the following: '14'

Further amend the resolve in section 3 in the 7th line (page 2, line 21 in L.D.) by striking out the following: "July 15" and inserting in its place the following: 'October 15' '

Further amend the amendment by striking out all of section 10 and inserting in its place the following:

'Sec. 10. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1995-96

LEGISLATURE

R. 1189

Task Force on Tax Increment Financing

All Other \$4,000

Provides funds for the expenses of members
and printing and public hearing expenses of
the Task Force on Tax Increment Financing.'

Further amend the amendment by inserting after section 10
the following:

'Further amend the resolve by striking out all of the
emergency clause.'

FISCAL NOTE

1995-96


APPROPRIATIONS/ALLOCATIONS

General Fund \$4,000

The amendment reduces the estimated number of meetings of
the task force and will reduce the General Fund appropriation
required for member expense reimbursement by \$1,800, from \$5,800
to \$4,000 in fiscal year 1995-96.

STATEMENT OF FACT

This amendment removes the emergency preamble and emergency
clause and provides that the first meeting of the task force may
occur no later than October 15, 1995.

SPONSORED BY: 
(Representative DORE)

TOWN: Auburn

L.D. 1217

DATE: 6/23/95

(Filing No. H-601)

MAJORITY
JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 867, L.D. 1217, Bill, "An Act to Protect Constitutional Property Rights and to Provide Just Compensation"

Amend the bill by striking out the title and substituting the following:

'Resolve, Establishing the Study Commission on Property Rights and the Public Health, Safety and Welfare'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Article 1, Section 21 of the Constitution of Maine and the Fifth Amendment of the Constitution of the United States provide that private property may not be taken for public use without just compensation; and

Whereas, every property owner holds property with the responsibility that it not be used to injure the health, safety, welfare, communities and environment of the people of the State; and

Whereas, Maine and United States Supreme Court decisions state that governmental actions including rules, that do not formally invoke the condemnation power, may result in a taking for which compensation is required; and

R. d. S.

COMMITTEE AMENDMENT "A" to H.P. 867, L.D. 1217

2 Whereas, under the Constitution of Maine and the
3 Constitution of the United States, courts currently determine
4 whether a law or regulation amounts to an unconstitutional
5 "taking" of property requiring government compensation based on
6 the facts of each case; and

7 Whereas, any change in the takings laws of the State may
8 have far reaching effects on the public treasury of the State and
9 municipalities; and

10 Whereas, there is an issue regarding resolution of claims
11 for property owners seeking compensation under the Constitution
12 of Maine and the Constitution of the United States; and

13 Whereas, in the judgment of the Legislature, these facts
14 create an emergency within the meaning of the Constitution of
15 Maine and require the following legislation as immediately
16 necessary for the preservation of the public peace, health and
17 safety; now, therefore, be it

18 Sec. 1. Commission established. Resolved: That the Study
19 Commission on Property Rights and the Public Health, Safety and
20 Welfare, referred to as the commission, is established; and be it
21 further

22 Sec. 2. Membership. Resolved: That the commission consists
23 of 20 members appointed as follows:

- 24 A. The Governor or the Governor's designee;
- 25 B. The Attorney General, or the Attorney General's designee;
- 26 C. Two representatives of municipal government, appointed
27 by the Governor. The Governor shall consider
28 recommendations made by the Maine Municipal Association;
- 29 D. Three representatives of conservation interests,
30 appointed by the Speaker of the House of Representatives.
31 The Speaker of the House of Representatives may consider
32 recommendations made by conservation commissions and
33 organizations, lake associations and watershed districts;
- 34 E. Three members representing private property owners,
35 appointed by the President of the Senate. The President of
36 the Senate may consider recommendations made by the Maine
37 Farm Bureau Association, the Maine Forest Products Council
38 and the Maine Association of Realtors;
- 39 F. One member representing the business community,
40 appointed by the Governor. The Governor may consider

COMMITTEE AMENDMENT

Ads

COMMITTEE AMENDMENT "A" to H.P. 867, L.D. 1217

- 2 recommendations made by the Maine Alliance and the Maine
 Chamber of Commerce and Industry.
- 4 G. Five members of the Joint Standing Committee on
 Judiciary, appointed jointly by the Senate Chair and the
6 House Chair. The 5 members of the Judiciary Committee shall
 choose from one of its members to serve as chair of the
8 commission;
- 10 H. One member of the Joint Standing Committee on Natural
 Resources and one member of the Joint Standing Committee on
12 Agriculture, Conservation and Forestry, appointed by the
 President of the Senate; and
- 14 I. One member of the Joint Standing Committee on State and
 Local Government and one member of the Joint Standing
16 Committee on Inland Fisheries and Wildlife, appointed by the
 Speaker of the House of Representatives; and be it further
- 18 Sec. 3. Appointments. Resolved: That all appointments must be
- 20 made no later than 10 days following the effective date of this
- 22 resolve. The appointing authorities shall notify the Executive
- 24 Director of the Legislative Council upon making their
- 26 appointments. When the appointment of all members is complete,
 the chair of the commission shall call and convene the first
 meeting of the commission no later than August 15, 1995; and be
 it further
- 28 Sec. 4. Duties. Resolved: That the commission shall study
- 30 constitutional private property rights protections and examine
- 32 the following questions and issues:
- 34 A. Is there credible evidence that state and municipal
 governments have engaged in takings in a manner that
36 violates the Constitution of Maine or the Constitution of
 the United States;
- 38 B. Do specific state or local laws, rules or regulations
 pose an unconstitutional burden on property owners in the
40 context of the government's responsibility to protect public
 health, safety and welfare;
- 42 C. Do issues of ripeness, exhaustion of administrative
 remedies and statutes of limitations unreasonably delay the
44 adjudication of legitimate claims for compensation;
- 46 D. Should a statutory cause of action, beyond the
 requirements of current statutory and constitutional law, be
48 created for property owners who are subject to diminution in
 property value as the result of governmental action;
- 50

2 E. Can pursuit of takings claims under the Constitution of
Maine and the Constitution of the United States be made less
4 costly and more expeditious for property owners by
establishing an alternative dispute resolution or other
6 procedure that may resolve property owners' claims without
having to file an action in court in the first instance;

8 F. Do the original legislative documents 170 and 1217 from
the First Regular Session of the 117th Legislature violate
10 the constitutional principle of equal protection due to
enforcement of a law against one property owner while not
12 enforcing the same law against a similarly situated property
owner. If constitutional, would the proposed bills violate
14 principles of sound and just public policy because of the
disparate treatment;

16 G. If the State is to create a cause of action for property
owners against governmental entities that incrementally
18 decrease property values, should the law, as a matter of
sound and just public policy, also create an identical cause
20 of action for property owners against nongovernmental
entities that incrementally decrease property values. If
22 not, why not; and

24 H. How would the proposed takings laws affect the court
26 system and delivery of justice to our citizens; and be it
further

28 **Sec. 5. Public participation; activities. Resolved:** That the
30 commission shall hold at least 3 public hearings in different
geographic areas of the State and give public notice of the
32 hearings in order to solicit public participation and comment.
The commission may undertake other hearings, presentations or
34 analyses it determines useful; and be it further

36 **Sec. 6. Recommendations. Resolved:** That the commission shall
submit a report of its findings and recommendations with
38 accompanying legislation, if any, to the Second Regular Session
of the 117th Legislature and to the Joint Standing Committee on
40 Judiciary by December 1, 1995. The commission's report must
represent the consensus of the members to the greatest extent
42 possible. The report must include:

44 A. An explanation of the current process in the State that
property owners must follow to make a claim for compensation
46 based on the Constitution of Maine and of the Constitution
of the United States;

48 B. An explanation of any recommendation for legislation or
50 further examination of specific laws, rules or regulations;

2 C. The fiscal impact on the State and its municipalities of
any proposed legislation; and

4 D. An explanation of why legislation or further examination
of specific laws, rules and regulations is not needed, if
6 that recommendation is made; and be it further

8 **Sec. 7. Staff assistance. Resolved:** That the commission shall
request staffing and clerical assistance from the Legislative
10 Council; and be it further

12 **Sec. 8. Compensation; funding. Resolved:** That the members of
the commission who are Legislators are entitled to receive the
14 legislative per diem for each day's attendance at meetings of the
commission. The commission may seek, receive and expend funds
16 from sources other than the General Fund. The Executive Director
of the Legislative Council shall administer the commission's
18 budget; and be it further

20 **Sec. 9. Appropriation. Resolved:** That the following funds are
appropriated from the General Fund to carry out the purposes of
22 this resolve.

24 1995-96

26 **LEGISLATURE**

28 **Study Commission on Property Rights
and the Public Health, Safety and Welfare**

30
32 Personal Services \$2,475
All Other 4,250

34 Provides funds for the per diem and expenses
of legislative members and a public hearing
36 and miscellaneous costs of the Study
Commission on Property Rights and the Public
38 Health, Safety and Welfare.

40 **LEGISLATURE**
42 **TOTAL** \$6,725

44 ; and be it further

46 **Sec. 10. Allocation. Resolved:** That the following funds are
allocated from Other Special Revenue funds to carry out the
purposes of this resolve.

48 1995-96

50 **LEGISLATURE**

52

**Study Commission on Property Rights
and the Public Health, Safety and Welfare**

2

4

All Other

\$500

6

8

10

Allocates funds to authorize expenditures if private or public funds are received to support the activities of the Study Commission on Property Rights and the Public Health, Safety and Welfare.

12

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

14

16

Further amend the resolve by inserting at the end before the statement of fact the following:

18

FISCAL NOTE

20

1995-96

22

APPROPRIATIONS/ALLOCATIONS

24

General Fund

\$6,725

26

Other Funds

500

28

30

32

This resolve includes a General Fund appropriation of \$6,725 in fiscal year 1995-96 for the Legislature for the per diem and expenses of legislative members and the public hearing and miscellaneous costs of the Study Commission on Property Rights and the Public Health, Safety and Welfare.

34

36

The resolve additionally provides an allocation of Other Special Revenue funds of \$500 in fiscal year 1995-96 to the Legislature to provide expenditure authority if public or private funds are received to support activities of the commission.

38

40

The minor additional costs to participate on the commission can be absorbed within the existing budgeted resources of the member state departments and agencies.

42

44

The additional costs to provide staffing and clerical assistance to the commission can be absorbed by the Legislature utilizing existing budgeted resources.

46

48

STATEMENT OF FACT

COMMITTEE AMENDMENT "A" to H.P. 867, L.D. 1217

2 This is the majority report of the Joint Standing Committee
on Judiciary. This amendment replaces the bill. It establishes
4 a Study Commission on Property Rights and Public Health, Safety
and Welfare. The commission consists of 20 members from
6 different backgrounds and legislative committees to provide a
diversity of perspectives on the issues regarding private
property rights protections afforded under the Constitution of
8 Maine and the Constitution of the United States and the need to
protect the public health, safety, welfare, communities and
10 environment through laws, rules and regulations. The commission
shall hold at least 3 public hearings to afford full public
12 participation.

14 The commission must be convened by August 15, 1995 and shall
submit its report, including findings, recommendations and any
16 proposed legislation, to the Joint Standing Committee on
Judiciary and to the Legislature by December 1, 1995.

18 The commission shall work toward a consensus report from all
20 members to the greatest extent possible.

22 This amendment adds an appropriation section and an
allocation section to the resolve. It also adds a fiscal note.

and the State, with judicial review limited to that available under the Uniform Arbitration Act.

PART B

Sec. B-1. Commission established. The Study Commission on Constitutional Property Rights and the Public Interests, referred to as the commission, is established.

Sec. B-2. Membership. The commission consists of 9 members appointed as follows:

A. Five members from the Joint Standing Committee on Judiciary; appointed by the Senate Chair and the House Chair of that committee; one member of the Joint Standing Committee on Natural Resources; and one member from the Joint Standing Committee on Inland Fisheries and Wildlife, appointed by the President of the Senate; and one member from the Joint Standing Committee on State and Local Government and one member from the Joint Standing Committee on Agriculture, Conservation and Forestry, appointed by the Speaker of the House of Representatives.

Sec. B-3. Appointments. All appointments must be made no later than 10 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chair of the commission shall call and convene the first meeting of the commission no later than October 1st, 1995. The commission shall select a chair from among its members.

Sec. B-4. Duties. The commission shall study United States and State constitutional private property rights and examine the following questions and issues and any other issues concerning property rights that may arise:

A. Is there evidence that the State and other governmental entities have violated the rights protected by the Fifth Amendment of the Constitution of the United States by taking property through regulations?

B. Do state or other governmental entities' laws, rules, regulations or ordinances infringe on private property rights as the laws, rules, regulations and ordinances interrelate to a government's responsibility for public health, safety and welfare?

C. Is access of private property owners to the constitutional right to compensation unreasonably delayed in

2 the current adjudicatory process because of issues such as
3 ripeness, exhaustion of remedies and statute of limitations?

4 D. Should a statutory cause of action and a statutory
5 process be created for property owners who are subject to
6 diminution in property value as the result of governmental
7 action? Should it state standards that have not yet been
8 delineated by court decisions?

10 E. Should an alternative dispute resolution system or other
11 procedure be offered in a takings claim if it provides a
12 cost efficient and expeditious mechanism for property owners?

14 F. Is there an equal protection issue due to a governmental
15 unit's action of exempting a property owner from application
16 of a specific regulation on that property, because it may
17 result in a takings by the government of property for a
18 public purpose, but not exempting other property owners that
19 do not suffer a takings? Regardless of the constitutional
20 right, does the ability of a government to avoid
21 compensating a landowner for a takings contradict public
22 policy on grounds of fairness or justice?

24 G. If a statutory process is enacted for private property
25 owners to pursue the constitutional right to just
26 compensation for property taken for public use, should a
27 statutory process be created for property owners against
28 nongovernmental entities that decrease property values?

30 H. What will be the impact on the state judicial branch and
31 its service, if a statutory process for private property
32 owners to pursue a takings claim be enacted? Will the
33 effect of its enactment be any different than similar new
34 laws that increase burdens on the state judicial branch?

36 I. Should the statutory process apply only to state actions
37 or should it also include municipalities and local
38 governments?

40 J. Should private property owners be given the option of
41 choosing inverse condemnation or damages?

42 K. Should the property owner be compensated the fair market
43 value or highest and best use for the property taken?

46 L. Should a threshold be included in a statutory process
47 that addresses the issue of self-definition of property lot
48 size, such as a minimum reduction of \$10,000 by the
49 implementation of a regulation?
50

M. Should multiple regulations be considered in an inverse condemnation claim, so that federal regulations are included in the consideration of a takings claim assessment in the diminution of value in the property?

N. Should attorney's fees for establishing a ripe claim beginning at the application for a variance, special exception or exemption be provided?

O. What have other states done to address the issue of inverse condemnation and regulatory takings? Have other states taken further steps to protect the rights of the Fifth Amendment of the Constitution of the United States?

P. Should a trigger of less than 50%, similar to the federal proposals, also be considered for the State?

Q. If other governmental entities are included with the State, is there an issue with the unfunded mandate provision requiring a 2/3 vote?

K. Should the laws be broadened to include other property, such as personal property, or be confined to real property?

S. Should a private landowner be paid for temporary takings?

Sec. B-5. Public participation; activities. The commission shall hold at least 3 public hearings in different geographic areas of the State and shall give public notice of the hearings to solicit public participation and comment. The commission may undertake other hearings, presentations or analyses it determines useful.

Sec. B-6. Recommendations. The commission shall submit a report of its findings and recommendations with accompanying legislation to the Second Regular Session of the 117th Legislature and to the Joint Standing Committee on Judiciary by December 15, 1995. The commission report must represent the consensus of the members to the greatest extent possible. The report must include:

A. An explanation of the current situation in Maine for property owners who make a claim for compensation based on the Constitution of Maine and the Constitution of the United States;

B. An explanation of any recommendation for legislation or further examination of specific laws, rules or regulations;

2 C. The fiscal impact on the State or its municipalities of
any proposed legislation;

4 D. The fiscal impact on landowners because of current laws,
rules or regulations that reduce the value of their land; and

6 E. An explanation of whether legislation or further
8 examination of specific laws, rules and regulations is
needed or not needed.

10 **Sec. B-7. Staff assistance.** The commission shall request
12 staffing and clerical assistance from the Legislative Council.

14 **Sec. B-8. Compensation; funding.** The commission members who
are Legislators are not entitled to receive the legislative per
16 diem for each day's attendance at meetings of the commission.
The commission may seek, receive and expend funds from sources
18 other than the General Fund. The Executive Director of the
Legislative Council shall administer the commission's budget.

20 **Sec. B-9. Appropriation.** The following funds are appropriated
22 from the General Fund to carry out the purposes of this Part.

24 1995-96

26 **LEGISLATURE**

28 **Study Commission on Constitutional
Property Rights and the Public Interests**

30

All Other \$4,250

32

34 Provides funds for the expenses of members
and for public hearing and miscellaneous
costs of the Study Commission on
36 Constitutional Property Rights and the
Public Interests.

38

40 **Sec. B-10. Allocation.** The following funds are allocated from
Other Special Revenue funds to carry out the purposes of this
Part.

42

1995-96

44

LEGISLATURE

46

48 **Study Commission on Constitutional Property
Rights and the Public Interests**

2 All Other \$500

4
6 Allocates funds to authorize expenditures if
private or public funds are received to
support the activities of the Study
8 Commission on Constitutional Property Rights
and the Public Interests.'

10
12 Further amend the bill by inserting at the end before the
statement of fact the following:

14
16 FISCAL NOTE

1995-96

18
20 APPROPRIATIONS/ALLOCATIONS

22 General Fund \$4,250
Other Funds 500

24
26 This bill will significantly increase the number of civil
cases filed in the court system. Additional General Fund
appropriations will be required to cover the costs associated
28 with these additional cases. The amount and timing of the
appropriations can not be determined at this time. The
30 collection of additional filing fees will also increase General
Fund revenue. These amounts also can not be estimated at this
32 time.

34 The Department of the Attorney General will also incur
significant additional costs to defend the State in these cases.
36 The department has requested phased-in General Fund
appropriations of \$181,883 in fiscal year 1995-96 and \$470,462 in
38 fiscal year 1996-97 to fund a new unit within the department. It
can not be determined whether this level of funding is justified
40 at this time.

42 The State may also incur significant additional costs to
reimburse property owners for reductions in property values
44 caused by state regulations. The amount and time of any
reimbursements will depend on the timing and outcome of suits
46 filed in the court system. The State Planning Office has
requested General Fund appropriations of \$5,000,000 in fiscal
48 year 1995-96 and \$10,000,000 in fiscal year 1996-97 to set aside
funding in a compensation trust fund for these contingent

liabilities. At this time, there is insufficient data or experience to determine whether these amounts are appropriate.

The bill also provides a General Fund appropriation of \$4,250 in fiscal year 1995-96 for the Legislature for the expenses of members and a public hearing and miscellaneous costs of the Study Commission on Constitutional Property Rights and the Public Interests.

The bill additionally provides an allocation of Other Special Revenue funds of \$500 in fiscal year 1995-96 to the Legislature to provide expenditure authority if public or private funds are received to support activities of the commission.

The additional costs to provide staff and clerical assistance to the commission can be absorbed by the Legislature utilizing existing budgeted resources.'

STATEMENT OF FACT

This is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill. It has 2 parts. Part A revises the original bill, creating statutory procedures for inverse condemnation actions. Part B establishes a study commission to examine takings issues. The amendment also adds an appropriation section, an allocation section and a fiscal note.

Part A

The Maine and United States Constitutions create a constitutional right to just compensation when an owner's property is taken by the government for public use. This part of the amendment establishes a new standard by which to measure when a state regulation affecting property value constitutes a "taking" and requires that relief be provided to the property owner. The relief may be in the form of the State not applying that regulation to that particular property owner, paying damages to the owner for the loss in property value or purchasing the owner's property by paying the landowner the fair market value of the land before the state regulation was applied to that property.

This amendment reduces the scope of the original bill so that it applies just to state laws and rules that directly or indirectly affect the value of property. Although it includes municipal regulations and ordinances required by state law, the

State is the governmental entity responsible for payment of compensation or damages.

As in the original bill, a regulatory taking is defined as the situation in which the implementation of a state regulation reduces the value of real property to 50% or less of its fair market value before regulation. When calculating the amount of the reduction in value, the only land to be considered is the land regulated. The value of other land the owner owns, whether or not contiguous with the segment of land regulated, may not be used in determining whether there has been a 50% diminution in value. The fact that the owner's surrounding lands have increased in value may be taken into account in determining the appropriate level of compensation or damages.

The owner of the property may choose to have the State purchase the regulated land and provide just compensation or the owner may choose to keep the land and accept damages from the State because of the reduction in land value. The State may choose not to apply a regulation to that particular piece of property.

An inverse condemnation claim is ripe for adjudication when the regulation is first applied to the property. If there is provision for a variance, waiver or special exemption in the regulation, the property owner must make one reasonable application. Unreasonable delay or burdensome conditions are deemed rejection of the application.

Part A applies to new impositions of regulations in effect before the effective date of this Act if they were not imposed before the effective date of this Act. For example, if wetlands on a person's property are not mapped until after this Act becomes effective, that regulation is included in this Act.

This amendment applies to regulations already applicable to the property only if a new regulation or new application of an existing regulation reduces the value of the property by at least 10% and the property value is reduced by a total of at least 50% when all regulations applicable since acquisition of the property are combined.

These standards and procedures apply to all applications pending before a reviewing authority on the effective date of this Act.

Part A does not apply to regulations that preclude nuisances. It also does not apply to air regulations, wastewater regulations, solid and hazardous waste regulations and

regulations precluding the intense development of property incompatible with the surrounding area as determined by a jury.

Attorney's fees and other costs may be awarded to a prevailing landowner.

A property owner may choose to have the inverse condemnation claim arbitrated.

Part B

Part B establishes a Study Commission on Constitutional Property Rights and the Public Interests. The commission consists of 9 Legislators from the different committees of jurisdiction to study the issues regarding private property rights, protection afforded under the Maine and United States Constitutions and propose legislation that addresses the need to protect private property rights while considering the public's interest in health, safety and welfare. The commission shall hold at least 3 public hearings to afford full public participation.

The commission shall convene by October 1, 1995 and submit its report, including findings, recommendations and any proposed legislation, to the Joint Standing Committee on Judiciary and to the Legislature by December 15, 1995.



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1343

H.P. 954

House of Representatives, April 18, 1995

Resolve, Establishing a Commission to Study the Trespass Laws.

(EMERGENCY)

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.
Received by the Clerk of the House on April 13, 1995. Referred to the Committee on
Inland Fisheries and Wildlife and ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TUFTS of Stockton Springs.
Cosponsored by Representatives: CLARK of Millinocket, GOULD of Greenville,
GREENLAW of Standish, Senator: MICHAUD of Penobscot.

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State contains a vast amount of private land that is traditionally used by the public for outdoor recreation; and

Whereas, a growing number of landowners wish to restrict or otherwise control the use of their land by the public; and

Whereas, there are over 100 laws relating to trespass scattered throughout the State's statutes, making it difficult for landowners, the public and law enforcement agencies to understand and enforce trespass laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission created and charged. Resolved: That there is established the Commission to Study Trespass Laws, referred to in this resolve as the "commission." The commission shall study existing trespass laws and make recommendations and suggest legislative changes regarding the consolidation and revision of existing laws into a functional set of trespass statutes that best provides for the needs of landowners and citizens of the State as well as facilitating the enforcement of trespass; and be it further

Sec. 2. Appointment. Resolved: That the commission consists of a representative from each of the following: the Department of Conservation; the Department of Public Safety; the Maine Sheriffs' Association; the Maine Chiefs of Police Association; the Department of Inland Fisheries and Wildlife; the Maine Forest Products Council; the Sportsman's/Forest Landowner Alliance; the Small Woodland Owners Association of Maine, Inc.; the Maine Farm Bureau Association; the Sportsman's Alliance of Maine; the Maine Snowmobile Association, Inc.; the Joint Standing Committee on Inland Fisheries and Wildlife; the Governor's Council on Landowner/Sportsmen Relations; and a citizen at large selected by the Governor.

The members shall choose a chair from among themselves; and be it further

Sec. 3. Staff assistance. Resolved: That the Office of Policy and Legal Analysis, with the approval of the Legislative

2 Council, shall provide research, clerical and computer assistance
to the commission; and be it further

4 **Sec. 4. Report. Resolved:** That the commission shall submit a
report, together with any necessary implementing legislation, to
6 the Second Regular Session of the 117th Legislature by January 1,
1996; and be it further

8
10 **Sec. 5. Funding. Resolved:** That funding to support staffing
of the commission may not exceed \$18,000, to be split evenly
between the Department of Inland Fisheries and Wildlife and
12 outside sources. The department's share must come from funds
budgeted to improve relations between private landowners and
14 outdoor enthusiasts. The Legislative Council may seek outside
sources of funding to finance that portion that is supposed to
16 come from state landowners. The Legislative Council shall
administer any outside funds acquired for staffing the
18 commission. Expenditures may not be incurred relative to this
study unless funds from outside sources have been received by the
20 Legislative Council.

22 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.
24

26 **STATEMENT OF FACT**

28 This resolve establishes a commission to study and revise
the trespass laws in the State.

L.D. 1343

DATE: 5/1/95

(Filing No. H- 344)

INLAND FISHERIES AND WILDLIFE

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 954, L.D. 1343, "Resolve, Establishing a Commission to Study the Trespass Laws"

Amend the resolve by striking out all of section 2 and inserting in its place the following:

'Sec. 2. Appointment. Resolved: That the commission consists of the following 16 persons:

1. Three commissioners or their designees. The Commissioner of Inland Fisheries and Wildlife, the Commissioner of Public Safety and the Commissioner of Conservation, or their designees;

2. Ten private sector members. The president or executive director of the Maine Sheriffs' Association, the Maine Chiefs of Police Association, the Maine Forest Products Council, the Sportsman's/Forest Landowner Alliance, the Small Woodland Owners Association of Maine, Inc., the Maine Farm Bureau Association, the Sportsman's Alliance of Maine, the Maine Snowmobile Association, Inc., the Governor's Council on Landowner/Sportsmen Relations and the Maine State Bar Association. The president or executive director of any of these organizations may name a person who is a member of the organization to serve in the president's or executive director's place;

3. Two legislative members. One member of the House of Representatives and one member of the Senate who are members of the Joint Standing Committee on Inland Fisheries and Wildlife. The member of the House of Representatives is appointed by the Speaker of the House of Representatives. The member of the Senate is appointed by the President of the Senate; and

4. One public member. One member of the public appointed by the Governor.

All appointments must be made no later than 30 days after the effective date of this resolve. Persons responsible for making appointments under this section shall notify the Executive Director of the Legislative Council of the names of the persons appointed; and be it further

Sec. 3. Convening the commission. Resolved: That the chair of the Legislative Council shall convene the first meeting of the commission after all members of the commission have been appointed; and be it further

Sec. 4. Election of chair. Resolved: That, at its first meeting, the commission shall elect a chair from among its members. The chair shall call all subsequent meetings of the commission; and be it further

Sec. 5. Compensation. Resolved: That members of the commission serve without compensation, except that members who are Legislators are entitled to reimbursement of expenses related to attending meetings of the commission; and be it further'

Further amend the resolve by striking out all of section 4 and inserting in its place the following:

'Sec. 4. Report. Resolved: That the commission shall submit a report, together with any necessary implementing legislation, to the Second Regular Session of the 117th Legislature by December 1, 1995; and be it further'

Further amend the resolve by striking out all of section 5 and inserting in its place the following:

'Sec. 5. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1995-96

LEGISLATURE

Commission to Study Trespass Laws

All Other	\$1,050
-----------	---------

Provides funds for the expenses of legislative members and miscellaneous costs of the Commission to Study Trespass Laws.'

Further amend the resolve by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the resolve by inserting at the end before the statement of fact the following:

FISCAL NOTE

1995-96

APPROPRIATIONS/ALLOCATIONS

General Fund	\$1,050
--------------	---------

The Legislature will require a General Fund appropriation of \$1,050 in fiscal year 1995-96 for the expenses of legislative members and miscellaneous costs of the Commission to Study Trespass Laws.

The additional costs to provide research, clerical and computer assistance to the commission can be absorbed by the Legislature utilizing existing budgeted resources.

The Department of Conservation, the Department of Public Safety and the Department of Inland Fisheries and Wildlife will incur some minor additional costs to participate as members of the commission. These costs can be absorbed within the departments' existing budgeted resources.'

STATEMENT OF FACT

This amendment adds one additional legislative member and one person representing the Maine State Bar Association to the list of members of the Commission to Study Trespass Laws. The amendment also strikes that section of the bill requiring the commission to raise outside revenue and changes the reporting date from January 1, 1996 to December 1, 1995. Members of the commission serve without compensation, except that legislative members are entitled to reimbursement of expenses.

DATE: 6/12/95

(Filing No. H-450)

BUSINESS AND ECONOMIC DEVELOPMENT

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 956, L.D. 1345, Bill, "An Act to Amend the Returnable Beverage Container Laws"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Require a Review of the Beverage Container Deposit Laws'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, since the addition of many items to Maine's beverage container deposit laws in 1989, the Legislature each year considers many bills concerning the functioning of these laws; and

Whereas, it is felt to be desirable to take the time necessary to have a comprehensive review of these laws; and

Whereas, the issues to be considered are so numerous and controversial that it will not be possible to resolve them by the next regular session of the Legislature unless this review is authorized on an emergency basis; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately

COMMITTEE AMENDMENT

RdS.

COMMITTEE AMENDMENT "A" to H.P. 956, L.D. 1345

necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Creation and charge. Resolved: That the Task Force to Review the Beverage Container Deposit Laws, referred to in this resolve as the "task force," is established. The task force is charged to review all aspects of the beverage container deposit laws and to report to the Legislature; and be it further

Sec. 2. Membership. Resolved: That the task force consists of 6 members as follows:

1. Two members of the Joint Standing Committee on Business and Economic Development and 2 members of the Joint Standing Committee on Natural Resources, chosen jointly by the President of the Senate and the Speaker of the House so that both houses of the Legislature are represented;

2. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designated representative; and

3. The Director of the State Planning Office or the director's designated representative.

All appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The Executive Director of the Legislative Council shall contact those authorities who have not made their appointments as of the required date; and be it further

Sec. 3. Convening. Resolved: That the Chair of the Legislative Council shall call the task force together for its first meeting no later than 15 days after adjournment of the First Regular Session of the 117th Legislature. If the first meeting is not called within the assigned time, the Governor shall call the first meeting for a date no later than 10 days after the initially required date. It is not necessary for all members to be appointed in order for the task force to meet. A quorum consists of a majority of those appointed; and be it further

Sec. 4. Chair. Resolved: That the senior appointed Legislator in legislative experience shall act as chair of the first meeting. The task force shall select a permanent chair from among the legislative members at the conclusion of the first meeting; and be it further

COMMITTEE AMENDMENT

2 **Sec. 5. Study subject. Resolved:** That the task force shall
4 study the beverage container deposit laws with the purpose of
6 recommending to the Legislature how those laws might be amended
to improve the program for all interested parties. In conducting
its work, the task force shall study, but is not limited to, the
following issues:

- 8 1. Changes in the minimum container deposit value;
- 10 2. The impact of the returnable container law on municipal
12 solid waste and the corresponding costs of the returnable
container laws;
- 14 3. The status of municipal recycling for materials
16 currently covered by the returnable container laws;
- 18 4. The extent of fraudulent redemption and misredemption of
beverage containers;
- 20 5. The need for additional licensure and regulation of
22 redemption centers operating in the State;
- 24 6. Beverage container sorting and pickup requirements for
redemption centers, distributors and 3rd-party agents; and
- 26 7. Enforcement, including the responsible agency and
28 penalties.

30 In examining these issues, the task force may hold 5
32 meetings, including the initial organizational meeting. The task
force shall hold its last meeting no later than October 15, 1995;
and be it further

34 **Sec. 6. Staffing. Resolved:** That, at the task force's request,
36 the Legislative Council shall provide staffing assistance if the
task force has met the deadline for convening and agrees to meet
38 the deadline for its final report; and be it further

40 **Sec. 7. Compensation. Resolved:** That the legislative members
of the task force are entitled to per diem and expenses. Other
42 members are not entitled to compensation; and be it further

44 **Sec. 8. Report. Resolved:** That, no later than November 15,
1995, the task force shall submit a written report together with
46 any recommended legislation to the Joint Standing Committee on
Business and Economic Development with a copy to the Executive
48 Director of the Legislative Council and the Law and Legislative
Reference Library. The task force shall make an oral report to
the Joint Standing Committee on Business and Economic Development

R & S.

COMMITTEE AMENDMENT "A" to H.P. 956, L.D. 1345

no later than January 30, 1996. The Joint Standing Committee on Business and Economic Development is authorized to report out any legislation during the Second Regular Session of the 117th Legislature concerning the findings and recommendations of the task force.

The task force may take additional time to complete its study beyond the dates specified in this section if necessitated by a failure of the task force to hold its first meeting on the date specified in this resolve; and be it further

Sec. 9. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1995-96

LEGISLATURE

**Task Force to Review the Beverage
Container Deposit Laws**

Personal Services	\$1,320
All Other	1,700
TOTAL	\$3,020

Provides funds for the per diem and expenses of legislative members and miscellaneous costs of the Task Force to Review the Beverage Container Deposit Laws.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

1995-96

APPROPRIATIONS/ALLOCATIONS

General Fund	\$3,020
--------------	---------

This resolve includes a General Fund appropriation of \$3,020 in fiscal year 1995-96 for the Legislature for the per diem and

COMMITTEE AMENDMENT

2 expenses of legislative members and miscellaneous costs of the
Task Force to Review the Beverage Container Deposit Laws.

4 The Department of Labor and the State Planning Office will
6 incur some minor additional costs to participate as members of
the task force. These costs can be absorbed within the agencies'
8 existing budgeted resources.'

10 **STATEMENT OF FACT**

12 The original bill created a category of 3rd-party pickup
14 agents in the laws regulating returnable beverage containers and
dealt with responsibilities for pickup and sorting of containers.

16 This amendment deletes the bill and instead requires a task
18 force to study the problems that the expansion of the beverage
container laws has appeared to create in the implementation of
20 these laws.

L.D. 1345

DATE: 6/13/95

(Filing No. H- 465)

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 956,
L.D. 1345, Bill, "An Act to Amend the Returnable Beverage
Container Laws"

Amend the amendment by striking out all of the fiscal note
and inserting in its place the following:

FISCAL NOTE

1995-96

APPROPRIATIONS/ALLOCATIONS


General Fund \$3,020

This resolve includes a General Fund appropriation of \$3,020
in fiscal year 1995-96 for the Legislature for the per diem and
expenses of legislative members and miscellaneous costs of the
Task Force to Review the Beverage Container Deposit Laws.

The Department of Agriculture, Food and Rural Resources and
the State Planning Office will incur some minor additional costs
to participate as members of the task force. These costs can be
absorbed within the agencies' existing budgeted resources.'

STATEMENT OF FACT

This amendment corrects the fiscal note.

SPONSORED BY: 
(Representative ROWE)

TOWN: Portland

2 4. Small facility. A small facility must meet the rooming
4 and lodging requirements of Chapter 20 of the National Fire
6 Protection Association Life Safety Code 101, 1994 edition, except
 that the facility is not required to have sprinkler systems
 pursuant to Title 25, section 2452.

8 5. Medium facility. A medium facility must meet the
10 residential board and care requirements of Chapter 22 of the
 National Fire Protection Association Life Safety Code 101, 1994
 edition.

12 6. Large facility. A large facility must meet the
14 requirements of Chapter 12 (Health Care) for Limited Care
16 Facilities of the National Fire Protection Association Life
18 Safety Code 101, 1994 edition except that buildings that are 2
20 stories or less may qualify as a type V (III) under that
22 chapter. An existing large facility must meet the requirements
 of Chapter 22 concerning residential board and care for a large
 facility of the National Fire Protection Association Life Safety
 Code 101, 1994 edition or must be evaluated under the fire safety
 evaluation system for residential boarding care facilities.

24 7. Repeal. This section is repealed October 1, 1996.

26 **(Sec. 4.)** **Assisted Living Task Force.** The Assisted Living Task
28 Force, referred to in this section as the "task force," is
30 established to study state laws and regulations and alternatives
 for the development of services and housing for elderly and
 disabled adults.

32 **1. Membership.** The task force consists of 16 members
34 appointed as follows:

36 A. The State Fire Marshal, or the designee of the State
 Fire Marshal;

38 B. The Commissioner of Human Services, or a designee of the
40 commissioner;

42 C. A member of the State Board of Nursing, appointed by the
 board;

44 D. One operator of a residential care facility and one
46 operator of a congregate housing facility, each appointed by
 the President of the Senate. One operator of a residential
48 care facility and one operator of a congregate housing
 facility, each appointed by the Speaker of the House of
 Representatives;

50

E. One provider of home health care services not owned or operated by a congregate housing or residential care facility, nominated by the Home Care Alliance of Maine and appointed by the President of the Senate. One provider of home health care services that is owned by the owner of a congregate housing or residential care facility, appointed by the Speaker of the House of Representatives;

F. Two persons who are presently residents of congregate housing or residential care facilities or representatives of those individuals, appointed by the Governor;

G. Two persons from statewide organizations representing the general interests of elder residents of the State, appointed by the Governor;

H. One person representing the long-term care ombudsman program, appointed by the Governor;

I. One member of the Senate serving on the Joint Standing Committee on Human Resources, appointed by the President of the Senate; and

J. One member of the House of Representatives serving on the Joint Standing Committee on Human Resources, appointed by the Speaker of the House of Representatives.

2. **Appointments.** All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chair of the Legislative Council shall call and convene the first meeting of the task force no later than August 1, 1995. The task force shall select a chair from among its members.

3. **Duties.** The task force shall perform the following tasks:

A. Review and evaluate state law and regulations governing the provision of housing and supportive services for adults in settings outside of nursing facilities, including congregate housing, assisted living and residential care facilities. Attention must be given to emerging models for delivering housing and supportive services to older and disabled adults. The task force shall consider the goals of consumer choice and independence, cost-effectiveness, flexibility, protection of consumer rights and personal and community safety;

2 B. Review and evaluate the development of the provision of
supportive housing and services for adults nationwide;

4 C. Review and incorporate in its recommendations proposed
6 laws and regulations that range from less restrictive to
more restrictive as necessary to provide adequate
8 information and to protect the public, the residents of the
housing and the recipients of the services. The proposed
10 laws and regulations must recognize the differences among
consumers, housing situations and services provided and
12 distinguish among them in the level of regulation required;

14 D. Prior to making its recommendations the task force shall
consult with consumers, advocates for consumers, providers
16 and other interested parties, including the Maine State
Housing Authority and the Maine Health and Higher
18 Educational Facilities Authority;

20 E. Review and evaluate the existing rules of practice of
the State Board of Nursing and the home health care rules,
22 currently in effect as adopted by the Department of Human
Services for the purpose of providing flexibility, cost
effectiveness and consumer protection. The task force shall
24 make recommendations for revisions to these rules; and

26 F. Review and evaluate the 1994 edition of the National
Fire Protection Association Life Safety Code 101 and make
28 recommendations concerning the applicability of certain
provisions to the different types of housing facilities.

30 4. Meetings. The task force may meet as often as necessary
32 but shall meet at least once per month.

34 5. Staff assistance. The task force may request staffing
and clerical assistance from the Legislative Council.

36 6. Volunteerism. The task force members serve on a
38 volunteer basis and are not entitled to reimbursement or pay of
any type.

40 7. Report. The task force shall submit its report with any
42 accompanying legislation to the Second Regular Session of the
117th Legislature by February 15, 1996.

44 Emergency clause. In view of the emergency cited in the
46 preamble, this Act takes effect when approved.

48 Further amend the bill by inserting at the end before the
statement of fact the following:

FISCAL NOTE

The additional costs to provide staff assistance and to print the report of the Assisted Living Task Force can be absorbed by the Legislature utilizing existing budgeted resources.

The minor additional costs to participate on the commission can be absorbed within the existing budgeted resources of the member state departments and agencies.'

STATEMENT OF FACT

This amendment replaces the entire bill. It adds an emergency preamble and emergency clause. It enables congregate projects for the elderly to be financed by the Maine Health and Higher Educational Facilities Authority. It requires congregate housing to meet appropriate provisions of the 1994 Life Safety Code of the National Fire Protection Association as verified by the Office of the State Fire Marshal Office. The amendment also contains the particular chapters of the Life Safety Code applicable to different types and sizes of congregate housing facilities.

It creates the Assisted Living Task Force to study state law and regulations concerning the services and facilities designated as congregate housing, assisted living and residential care. It requires the task force to report back to the Joint Standing Committee on Human Resources, with necessary legislation, by February 15, 1996.

It also adds a fiscal note.



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1436

H.P. 1021

House of Representatives, April 27, 1995

Resolve, to Preserve the Dairy Industry in the State.

(EMERGENCY)

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SPEAR of Nobleboro.
Cosponsored by Representatives: AIKMAN of Poland, CROSS of Dover-Foxcroft,
HEESCHEN of Wilton, HICHBORN of Lagrange, JONES of Pittsfield, MARSHALL of
Eliot, NICKERSON of Turner, STEDMAN of Hartland, STROUT of Corinth, Senators:
CASSIDY of Washington, LONGLEY of Waldo, LORD of York.

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, dairy farms provide a wholesome milk supply, enhance the scenic beauty of the State by preserving open space and provide a living-for farmers and the businesses that support them; and

Whereas, it is therefore imperative that the State support the continuation of dairy farming; and

Whereas, the high operating costs of the State's dairy farms, combined with the low price of milk, are forcing the State's dairy farmers out of business; and

Whereas, a long-term approach is necessary to address the needs of the State's dairy industry; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Study commission established. Resolved: That the Commission to Study Options for Preserving the Dairy Industry in the State, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Membership. Resolved: That the commission consists of 5 members, as follows:

1. Three Legislators from the Joint Standing Committee on Agriculture, Conservation and Forestry, appointed jointly by the President of the Senate and the Speaker of the House of Representatives; and

2. Two representatives of the State's dairy industry, appointed by the Commissioner of Agriculture, Food and Rural Resources; and be it further

Sec. 3. Appointments; first meeting; chair. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The Chair of the Legislative Council shall call the commission together for its first meeting no later than August 15, 1995. At the first meeting, the commission shall select a chair from among its legislative members; and be it further

2 **Sec. 4. Duties. Resolved:** That the commission shall study the
situation of the Maine dairy industry and analyze options for
4 ensuring the long-term stability and competitiveness of the
industry. In conducting the study, the commission shall examine
6 the following issues:

8 1. Strategies to reduce the costs and maximize the
efficiencies of milk production;

10 2. Marketing opportunities for the State's dairy farms; and

12 3. Appropriations to the Maine Milk Commission for
14 distribution to dairy farmers.

16 In examining these issues, the commission may meet up to 6
times, and shall solicit the input of all interested parties and
18 industries; and be it further

20 **Sec. 5. Staffing assistance. Resolved:** That the commission may
request staffing assistance from the Legislative Council. Upon
22 request, the Department of Agriculture, Food and Rural Resources
shall cooperate fully with the commission in providing assistance
24 or data to facilitate the commission's work; and be it further

26 **Sec. 6. Report. Resolved:** That the commission shall submit
its findings, together with any necessary implementing
28 legislation, to the Second Regular Session of the 117th
Legislature and to the Joint Standing Committee on Agriculture,
30 Conservation and Forestry no later than November 15, 1995; and be
it further

32 **Sec. 7. Reimbursement. Resolved:** That members of the
34 commission who are Legislators are entitled to receive the
legislative per diem as defined in the Maine Revised Statutes,
36 Title 3, section 2, for each day's attendance at commission
meetings. Nonlegislative members are entitled to receive per
38 diem reimbursement in the amount of the legislative per diem.
All members of the commission receive reimbursement for travel
40 and other necessary expenses, upon application to the Executive
Director of the Legislative Council. The Executive Director of
42 the Legislative Council shall administer the commission's budget;
and be it further

44 **Sec. 8. Transfer of funds. Resolved:** That the Department of
46 Agriculture, Food and Rural Resources shall transfer up to \$5,000
from the Maine Dairy Farm Stabilization Fund to the Legislature
48 toward the actual expenses incurred by the commission; and be it
further

Sec. 9. Allocation. Resolved: That the following funds are allocated from Other Special Revenue to carry out the purposes of this resolve.

1995-96

LEGISLATURE

Commission to Study Options for Preserving the Dairy Industry in the State

All Other

\$5,000

Provides funds to the Commission to Study Options for Preserving the Dairy Industry in the State for the per diem of legislative members, expenses of all members and miscellaneous commission expenses.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

STATEMENT OF FACT

This resolve establishes a study commission to study options for ensuring the long-term health of the dairy industry in the State. The commission will analyze other strategies, besides direct subsidies, for keeping Maine dairy farms in business.

R. d. S.

CH

LD 1436

ACF

L.D. 1436

DATE: 6/16/95

(Filing No. H-518)

AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1021, L.D. 1436, "Resolve, to Preserve the Dairy Industry in the State"

Amend the resolve by striking out all of section 2 and inserting in its place the following:

Sec. 2. Membership. Resolved: That the commission consists of 13 members, as follows:

1. Five Legislators, at least 2 of whom must be members of the Joint Standing Committee on Agriculture, Conservation and Forestry, appointed jointly by the President of the Senate and the Speaker of the House of Representatives; and

2. The following 8 members, appointed by the Governor:

A. One representative of the Department of Agriculture, Food and Rural Resources;

B. One dairy farmer who supplies the Maine market;

C. One dairy farmer who supplies the Boston market;

D. One dairy farmer who supplies the co-op market;

E. One representative of a milk processing operation;

F. One representative of a bank or firm that provides farm financing, with expertise in the milk industry;

G. One representative from the Department of Economic and Community Development; and

COMMITTEE AMENDMENT

2 H. One representative of a company or firm that supplies
dairy farmers with equipment or feed, or both; and be it
further'

4

6 Further amend the resolve in section 4 in subsection 2 (page
2, line 11 in L.D.) by striking out the following: "and"

8 Further amend the resolve in section 4 in subsection 3 in
the last line (page 2, line 14 in L.D.) by striking out the
10 following: "farmers." and inserting in its place the following:
'farmers; and'

12

14 Further amend the resolve in section 4 by inserting after
subsection 3 the following:

16 '4. Any other topics the commission by majority vote
determines relevant to its study.'

18

20 Further amend the resolve in section 4 in the last indented
paragraph in the 1st and 2nd lines (page 2, lines 16 and 17 in
L.D.) by striking out the following: "may meet up to 6 times, and"

22

24 Further amend the resolve in section 6 in the next to the
last line (page 2, line 30 in L.D.) by striking out the
following: "November" and inserting in its place the following:
26 'December'

28 Further amend the resolve in section 8 in the 2nd line (page
2, line 46 in L.D.) by striking out the following: "\$5,000" and
30 inserting in its place the following: '\$8,000'

32 Further amend the resolve by striking out all of section 9
and inserting in its place the following:

34

36 'Sec. 9. Allocation. Resolved: That the following funds are
allocated from Other Special Revenue funds to carry out the
purposes of this resolve.

38

1995-96

40

42 AGRICULTURE, FOOD AND RURAL
RESOURCES, DEPARTMENT OF

44 Maine Dairy Farm Stabilization Fund

46 All Other \$10,000

48 Allocates funds to be paid to the Northeast
Interstate Dairy Compact committee, a
50 Vermont nonprofit corporation, for the

purpose of encouraging approval by the
United States Congress of the Northeast
Interstate Dairy Compact.

**DEPARTMENT OF AGRICULTURE,
FOOD AND RURAL RESOURCES
TOTAL**

\$10,000

LEGISLATURE

**Commission to Study Options for
Preserving the Dairy Industry in
the State**

Personal Services
All Other

\$3,630
4,370

Provides funds to the Commission to Study
Options for Preserving the Dairy Industry in
the State for the per diem of legislative
members, expenses of all members and
miscellaneous commission expenses.

**LEGISLATURE
TOTAL**

\$8,000

TOTAL ALLOCATION

\$18,000'

Further amend the bill by inserting at the end before the
statement of fact the following:

FISCAL NOTE

1995-96

APPROPRIATIONS/ALLOCATIONS

Other Funds

\$18,000

The bill includes an Other Special Revenue allocation of
\$8,000 in fiscal year 1995-96 to the Legislature for the per diem
and expenses of members of the Commission to Study Options for
Preserving the Dairy Industry in the State. Funding is available
through a transfer from the Maine Dairy Farm Stabilization Fund.
In addition, the bill includes another Other Special Revenue
allocation of \$10,000 to the Department of Agriculture, Food and

2 Rural Resources to pay for the services of a private entity to encourage approval of the Northeast Interstate Dairy Compact.

4 The additional costs to provide staffing assistance to the
6 commission can be absorbed by the Legislature utilizing existing budgeted resources.

8 The Department of Agriculture, Food and Rural Resources will
10 incur some minor additional costs to provide assistance and data to the commission. These costs can be absorbed within the department's existing budgeted resources.

14 STATEMENT OF FACT

16 The amendment increases the number of members of the
18 Commission to Study Options for Preserving the Dairy Industry in the State from 5 to 13 members. It also specifies the commission's membership.

20 The amendment also allows the commission to study any
22 relevant topic upon a majority vote of the commission. It changes the reporting date from November 15, 1995 to December 15, 1995. The amendment also increases from \$5,000 to \$8,000 the
24 amount of money to be transferred from the Maine Dairy Farm Stabilization Fund to the Legislature for the purpose of funding
26 the study.

28 The amendment provides \$10,000 to the Northeast Interstate
30 Dairy Compact committee for the purpose of encouraging approval by the United State Congress of the Northeast Interstate Dairy Compact.
32

34 The amendment also adds a fiscal note to the resolve.

2 G. The desirability of retaining any asset, including an
3 interest in a business, corporation or professional
4 practice, intact and free from any claim or interference by
5 the other party;

6
7 H. The contribution of each spouse to the acquisition,
8 enhancement and production of income or the improvement of
9 or the incurring of liabilities to both the marital assets
10 and the nonmarital assets of the parties;

11 I. Whether any assets were acquired with nonmarital assets;
12 and

13
14 J. Any other factors necessary to establish equity and
15 justice between the parties, including those factors
16 enumerated in section 721, subsection 1.

17
18 2. Effect of judgment. The judgment distributing assets
19 has the effect of a duly executed instrument of conveyance,
20 transfer, release or acquisition that is recorded in the county
21 where the property is located when the judgment, a certified copy
22 of the judgment or an abstract of the judgment is recorded in the
23 official records of the county in which the property is located.

24
25 **§754. Court authority to approve alternative dispute resolution**
26 **processes**

27
28 1. Appointment of referee. The court may appoint a referee
29 in any proceeding for paternity, divorce, judicial separation or
30 modification of existing judgments brought under this Title:

31
32 A. When the parties agree the case may be tried before a
33 referee; or

34
35 B. Upon motion demonstrating exceptional circumstances that
36 require a referee.

37
38 2. Referee's report. If all parties waive their right to
39 object to acceptance of the referee's report, the court shall
40 immediately enter judgment on the referee's report without a
41 further hearing.

42
43 **Sec. 2. Preparation of recodification of the Maine Revised Statutes.** ←
44 The Office of the Revisor of Statutes and the Office of Policy
45 and Legal Analysis shall jointly prepare a bill for submission by
46 the Joint Standing Committee on Judiciary to the Second Regular
47 Session of the 117th Legislature that recodifies the Maine
48 Revised Statutes, Title 19. The Joint Standing Committee on
49 Judiciary is authorized to report to the Second Regular Session
50

2 of the 117th Legislature one or more bills providing substantive
revisions of Title 19.

4 The Office of the Revisor of Statutes and the Office of
Policy and Legal Analysis shall invite the participation of the
6 following in preparing the recodification and suggested revisions:

8 1. The Family Law Section of the Maine State Bar
Association;

10 2. The Department of Human Services, Bureau of Child and
12 Family Services;

14 3. The Department of Human Services, Bureau of Income
Maintenance, Division of Support Enforcement and Recovery;

16 4. The Judicial Department; and

18 5. Any other individuals, agencies or organizations that
20 may contribute to the process of recodifying and proposing
possible revisions of Title 19.

22 The chairs of the Joint Standing Committee on Judiciary
24 shall appoint a subcommittee not to exceed 4 members of the
Judiciary Committee to oversee the preparation of the
26 legislation. The chairs shall appoint one member of the
subcommittee to serve as chair. The Office of the Revisor of
28 Statutes and the Office of Policy and Legal Analysis shall keep
the subcommittee apprised of the work pursuant to this Act. The
30 subcommittee may meet at the call of the subcommittee chair.

32 The subcommittee members may be reimbursed for expenses for
attending meetings of the subcommittee.

34 The Office of the Revisor of Statutes and the Office of
36 Policy and Legal Analysis shall provide a copy of legislation
drafted pursuant to this section to the members of the Joint
38 Standing Committee on Judiciary no later than November 1, 1995.

40 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

44 STATEMENT OF FACT

46 This bill provides standards for the distribution of marital
assets in a divorce. It also allows a court to send domestic
48 relations matters to an appointed referee, who will report back
to the court.

R.S.

COMMITTEE AMENDMENT "A" to H.P. 1024, L.D. 1439

indigent, the court may pay the reasonable costs and expenses of the referee.

3. Referee's report. If all parties waive their right to object to acceptance of the referee's report, the court shall immediately enter judgment on the referee's report without a further hearing.'

Further amend the bill in section 2 by striking out all of the 3rd and 4th paragraphs (page 3, lines 23 to 33 in L.D.) and inserting in their place the following:

'The chairs of the Joint Standing Committee on Judiciary shall oversee the preparation of the legislation. The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis shall keep the chairs apprised of the work pursuant to this section.'

Further amend the bill by inserting after section 2 and before the emergency clause the following:

'Sec. 3. Review and recommendations by the Family Law Section of the Maine State Bar Association. The Family Law Section of the Maine State Bar Association shall review the language and principles proposed in Legislative Document 1468, and shall report back to the Joint Standing Committee on Judiciary by December 1, 1995 with recommendations, including any legislative recommendations, to be incorporated into the committee's deliberations on the bill prepared pursuant to section 2 of this Act. The Family Law section shall include, to the extent practicable, the sponsors and interested parties in the review and recommendation process.'

Further amend the bill by inserting at the end before the statement of fact the following:

'FISCAL NOTE

The Judicial Department will incur additional costs to pay the reasonable costs and expenses of referees in those cases where either or both parties are indigent. The amount of the additional General Fund appropriations required can not be determined at this time. The department may also experience some minor offsetting savings in workload that is reduced by the use of referees.

The additional costs for the Office of the Revisor of Statutes and the Office of Policy and Legal Analysis to prepare

certain legislation, with oversight by the chairs of the Joint Standing Committee on Judiciary, can be absorbed by the Legislature utilizing existing budgeted resources.'

STATEMENT OF FACT

This amendment removes the proposed revision to the current provision governing the disposition of marital assets in divorce proceedings.

This amendment provides that the parties must pay for the referee unless the court determines one or both are indigent, in which case the court shall pay the costs.

This amendment revises the requirement that the Office of the Revisor of Statutes and the Office of Policy and Legal Analysis prepare a recodification of the Maine Revised Statutes, Title 19 by deleting the subcommittee oversight, and providing that the chairs of the Joint Standing Committee on Judiciary will oversee the process.

This amendment adds a new section directing the Family Law Section of the Maine State Bar Association to review and make recommendations concerning the language and principles contained in Legislative Document 1468. The Family Law Section is to include the sponsors of the bills and interested parties to the extent practicable. The recommendations are due to the Joint Standing Committee on Judiciary by December 1, 1995.

This amendment also adds a fiscal note to the bill.



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1474

S.P. 536

In Senate, May 2, 1995

An Act to Establish the Maine Judicial Compensation Commission.

Submitted by the Judicial Department pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator CIANCHETTE of Somerset.
Cosponsored by Representative DiPIETRO of South Portland and
Senators: ABROMSON of Cumberland, AMERO of Cumberland, BEGLEY of Lincoln,
BUSTIN of Kennebec, BUTLAND of Cumberland, CAREY of Kennebec, CARPENTER of
York, CASSIDY of Washington, CLEVELAND of Androscoggin, FAIRCLOTH of
Penobscot, FERGUSON of Oxford, HARRIMAN of Cumberland, KIEFFER of Aroostook,
LAWRENCE of York, LONGLEY of Waldo, LORD of York, MICHAUD of Penobscot,
MILLS of Somerset, O'DEA of Penobscot, PARADIS of Aroostook, PINGREE of Knox,
RAND of Cumberland, RUHLIN of Penobscot, STEVENS of Androscoggin, Representatives:
AIKMAN of Poland, AULT of Wayne, CAMERON of Rumford, CAMPBELL of Holden,
FARNUM of South Berwick, FISHER of Brewer, GWADOSKY of Fairfield, KEANE of Old
Town, LEMONT of Kittery, LIBBY of Kennebunk, MORRISON of Bangor, REED of
Dexter, SIMONEAU of Thomaston, VIGUE of Winslow, YACKOBITZ of Hermon.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA c. 35 is enacted to read:

CHAPTER 35

JUDICIAL COMPENSATION COMMISSION

§1701. Judicial Compensation Commission

1. Commission established. The Judicial Compensation Commission, referred to in this chapter as the "commission," established by Title 5, section 12004-G, subsection 23-A shall establish, subject to approval by the Senate and the House of Representatives, the salary, benefits and retirement to be paid for all justices and judges of the Supreme Judicial Court, the Superior Court, the District Court and the Administrative Court.

2. Members. The commission consists of 3 members selected from among the registered voters of the State; one is appointed by the Governor, one by the President of the Senate and one by the Speaker of the House. The public official with the power to appoint a member is the person in office on the day that member's term begins. The commission may not contain more than 2 members of any political party.

3. Terms of office. The initial member appointed by the Speaker of the House serves until December 31, 1996. The initial member appointed by the President of the Senate serves until December 31, 1998. The initial member appointed by the Governor serves until December 31, 2000. After the initial appointments, members serve for terms of 6 years, beginning January 1, 1997 for the member appointed by the Speaker of the House, beginning January 1, 1999 for the member appointed by the President of the Senate and beginning January 1, 2001 for the member appointed by the Governor. Members are limited to 2 consecutive terms.

4. Vacancies. A vacancy on the commission is filled promptly for the remainder of the term in the same manner in which the position was originally filled under subsection 2. If a vacancy remains unfilled for more than 90 days, a temporary member of the commission must be appointed by a vote of the remaining commission members to serve with full powers of a commission member. A temporary member of the commission serves until the vacancy is filled by the public official with the power to appoint that member under subsection 2 and this subsection.

5. Prohibition on public service. A member of the commission may not hold any other public office or be an employee or member of any state department, agency, board or commission

2 during the member's tenure on the commission. A violation of
4 this subsection by a member of the commission results in
6 immediate constructive resignation and the resulting vacancy must
8 be filled according to subsection 4.

10 6. Designation of chair. The members, by majority vote,
12 shall designate a chair from among their number who shall serve
14 for 2 years from the date of election or until a successor is
16 designated by majority vote and assumes the responsibilities.

18 7. Meeting; quorum; concurrence. The commission shall
20 meet, either in person or by teleconference, on the call of the
22 chair or on the request of at least 2 members. The presence of
24 at least 2 members is required to conduct a meeting. The
26 concurrence of at least 2 members is required for any formal
28 action taken by the commission.

30 8. Administration. The Legislature's Office of Fiscal and
32 Program Review shall provide staff support for the commission.

34 9. Reimbursement. Members are entitled to reimbursement
36 for actual and necessary expenses related to the travel to and
38 from commission meetings when the expenses are approved by the
40 chair. Members also are entitled to reimbursement for reasonable
42 expenses incurred in the exercise of their powers under
44 subsection 13. All other expenses must be approved by the Office
46 of Fiscal and Program Review. The reimbursement must be made
48 from the funds of the administrative office of the court system.
50 Other expenses are not reimbursed by state funds.

10. No compensation. The members of the commission receive
no compensation for their services.

11. Biennial report required. Not later than December 1st
of each odd-numbered year, the commission shall make its biennial
report to the Legislature. The biennial report must include
findings, conclusions and recommendations as to the proper salary
and benefits, including retirement, to be paid from the State
Treasury and other sources for all justices and judges of this
State. The biennial report also must include legislative
proposals the commission determines necessary to implement these
recommendations.

12. Directive of commission. The commission shall study
and make recommendations with respect to all aspects of judicial
compensation in this State so that the judicial compensation
structure is adequate to ensure that the most highly qualified
lawyers in this State, drawn from diverse life and professional
experiences, are not deterred from serving or continuing to serve
in the state judiciary and do not become demoralized during

2 service because of compensation levels that do not meet the
3 criteria set forth in subsection 13.

4 13. Criteria for recommendations. In order to carry out
5 its responsibilities under subsection 11 to make findings,
6 conclusions and recommendations as to the proper salary and
7 benefits for all justices and judges of this State and to fulfill
8 the directive of the commission as set out in subsection 12, the
9 commission may consider the following factors:

10 A. The skill and experience required of the particular
11 judgeship at issue;

12 B. The time required of the particular judgeship at issue;

13 C. The value of compensable service performed by justices
14 and judges, as determined by reference to judicial
15 compensation in other states and the Federal Government;

16 D. The value of comparable service performed in the private
17 sector, including private judging, arbitration and
18 mediation, based on the responsibility and discretion
19 required in the particular judgeship at issue and the demand
20 for those services in the private sector;

21 E. The compensation of attorneys in the private sector;

22 F. The Consumer Price Index and changes in that index;

23 G. The overall compensation presently received by other
24 public officials and employees; and

25 H. Any other factors that are normally or traditionally
26 taken into consideration in the determination of
27 compensation.

28 14. Binding nature of report. The recommendations made by
29 the commission in its biennial report to the Legislature are
30 binding and have full force of law 180 days following the filing
31 of the biennial report with the Clerk of the House and the
32 Secretary of the Senate as long as neither a majority of the
33 Senate nor a majority of the House votes to reject any or all
34 recommendations within 180 days following the filing of the
35 biennial report. In the event that either a majority of the
36 Senate or a majority of the House votes to reject one or more,
37 but not all, of the recommendations, the recommendations not
38 rejected by a majority of the Senate nor a majority of the House
39 are binding and have full force of law 180 days following the
40 filing of the biennial report with the Clerk of the House and
41 Secretary of the Senate respectively.

2 Sec. 2. 5 MRSA §12004-G, sub-§23-A is enacted to read:

4 23-A. Judicial Not 4 MRSA
6 Judiciary Compensation Authorized \$1701
 Commission

8

STATEMENT OF FACT

10

12 The Judicial Compensation Commission is established in
14 recognition of the fact that inadequate compensation prevents
16 many highly qualified lawyers from serving as judges, limits the
18 diversity of judges, prevents judges from serving on the bench
20 for a sufficiently long period of time and results in a serious
 deterioration in the morale of the judiciary. This economic
 reality undermines the goal of maintaining a judiciary of the
 highest quality and the concomitant goal of maintaining the
 highest level of public confidence in the judiciary.

20

22 As envisioned by this bill, the commission will develop
24 findings, conclusions and recommendations as to the proper salary
26 and benefits, including retirement, to be paid for all justices
28 and judges of this State. Because the Judicial Compensation
30 Commission uses the staff of the Office of Fiscal and Program
 Review, and because the expenses incurred by commission members
 are paid out of the funds of the Judicial Branch, it is not
 necessary for the Legislature to appropriate any separate funds
 for the establishment and expenses of the Judicial Compensation
 Commission.

L.D. 1474

DATE: June 13, 1995

(Filing No. S- 260)

JUDICIARY

Reported by: Senator MILLS of Smerset for the Committee.

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 536, L.D. 1474, Bill, "An Act to Establish the Maine Judicial Compensation Commission"

Amend the bill in section 1 in that part designated "\$1701." in subsection 1 in the 4th and 5th lines (page 1, lines 14 and 15 in L.D.) by striking out the following: "establish, subject to approval by the Senate and the House of Representatives," and inserting in its place the following: 'study and make recommendations concerning'

Further amend the bill in section 1 in that part designated "\$1701." in subsection 2 in the last line (page 1, line 25 in L.D.) by striking out the following: "any" and inserting in its place the following: 'the same'

Further amend the bill in section 1 in that part designated "\$1701." in subsection 2 by inserting at the end a new sentence to read: 'The initial appointments must be made within 10 days of the effective date of this section.'

Further amend the bill in section 1 in that part designated "\$1701." by striking out all of subsection 3 and inserting in its place the following:

'3. Terms of office. The initial member appointed by the Speaker of the House serves until December 31, 1996. The initial member appointed by the President of the Senate serves until December 31, 1997. The initial member appointed by the Governor serves until December 31, 1998. After the initial appointments,

2 members serve for terms of 4 years, beginning January 1, 1997 for
3 the member appointed by the Speaker of the House, beginning
4 January 1, 1998 for the member appointed by the President of the
5 Senate and beginning January 1, 1999 for the member appointed by
6 the Governor. Members are limited to 2 consecutive terms.'

8 Further amend the bill in section 1 in that part designated
9 "~~§1701.~~" by striking out all of subsections 7, 8 and 9 and
10 inserting in their place the following:

11 '7. Meeting; quorum; concurrence. The Executive Director
12 of the Legislative Council shall call the first meeting of the
13 commission no later than 5 days after the appointments are made.
14 For all subsequent meetings, the commission shall meet, either in
15 person or by teleconference, on the call of the chair or on the
16 request of at least 2 members. The presence of at least 2
17 members is required to conduct a meeting. The concurrence of at
18 least 2 members is required for any formal action taken by the
19 commission. The working papers, draft reports and other papers
20 of the commission in the possession of a legislative employee are
21 excepted from the definition of public records in accordance with
22 Title 1, section 402, subsection 3, paragraph C.

23 8. Administration. The Legislative Council shall provide
24 staff support for the commission when the Legislature is not in
25 session.

26 9. Reimbursement. Notwithstanding Title 5, section
27 12002-A, members are entitled to reimbursement for actual and
28 necessary expenses related to the travel to and from commission
29 meetings when the expenses are approved by the chair and
30 submitted to the Executive Director of the Legislative Council
31 and are entitled to reimbursement for reasonable expenses
32 incurred in the exercise of their powers under subsection 13 when
33 approved by the Executive Director. The reimbursement must be
34 made from the funds of the administrative office of the court
35 system upon the request of the Executive Director. Other
36 expenses may not be reimbursed by state funds.'

37 Further amend the bill in section 1 in that part designated
38 "~~§1701.~~" by striking out all of subsection 11.

39 Further amend the bill in section 1 in that part designated
40 "~~§1701.~~" in subsection 13 in the first paragraph in the last line
41 (page 3, line 9 in L.D.) by inserting after the following:
42 "factors" the following: 'as they apply specifically in this
43 State and where relevant elsewhere'

Further amend the bill in section 1 in that part designated "§1701." by striking out all of subsection 14 and inserting in its place the following:

'14. Biennial report required. No later than December 1st of each odd-numbered year, the commission shall make its biennial report to the joint standing committees of the Legislature having jurisdiction over appropriations matters and judicial matters. The biennial report must include findings, conclusions and recommendations as to the proper salary and benefits, including retirement, to be paid from the State Treasury and other sources for all justices and judges of this State. The commission is authorized to submit with its report any proposed legislation the commission determines necessary to implement these recommendations.'

Further amend the bill in section 1 in that part designated "§1701." by renumbering the subsections to read consecutively.

Further amend the bill in section 1 by inserting after that part designated "§1701." the following:

'§1702. Repeal.

This chapter is repealed December 31, 1999.'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 5 MRSA §12004-G, sub-§23-A is enacted to read:

<u>23-A.</u>	<u>Judicial</u>	<u>Expenses</u>	<u>4 MRSA</u>
<u>Judiciary</u>	<u>Compensation</u>	<u>Only</u>	<u>§1701'</u>
	<u>Commission</u>		

Further amend the bill by inserting at the end before the statement of fact the following:

'FISCAL NOTE

The additional costs to provide staff support to the Judicial Compensation Commission can be absorbed by the Legislature utilizing existing budgeted resources.

The Judicial Department will incur some minor additional costs to reimburse the expenses of commission members. These costs can be absorbed within the department's existing budgeted resources.'

R 4 d.

STATEMENT OF FACT

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This amendment establishes a Judicial Compensation Commission similar to that presented in the original bill but gives the commission only the limited authority to make recommendations and propose legislation in its biennial report. The amendment adds a sunset provision to repeal the Maine Revised Statutes, Title 4, chapter 35 in 1999 and the terms of the commission members are shortened to 4 years accordingly. A standard method of convening the first meeting is provided and language is added to clarify the limited availability of staff and expenses for commission members. The amendment also specifies that the commission is to report to the joint standing committees of the Legislature having jurisdiction over appropriations matters and judicial matters. The amendment also adds a fiscal note to the bill.

L.D. 1474

DATE: 6/19/95

(Filing No. H-525)

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 536, L.D. 1474, Bill, "An Act to Establish the Maine Judicial Compensation Commission"

Amend the amendment in subsection 9 in the 7th line (page 2, line 34 in amendment) by striking out the following: "13" and inserting in its place the following: '11'

Further amend the amendment on page 2 by striking out all of the last indented paragraph (page 2, lines 43 to 47 in amendment) and inserting in its place the following:

'Further amend the bill in section 1 in that part designated "\$1701." in subsection 12 in the last line (page 3, line 2 in L.D.) by striking out the following: "13" and inserting in its place the following: '12'

Further amend the bill in section 1 in that part designated "\$1701." in subsection 13 by striking out all of the first paragraph (page 3, lines 4 to 9 in L.D.) and inserting in its place the following:

'13. Criteria for recommendations. In order to carry out its responsibilities under subsection 13 to make findings, conclusions and recommendations as to the proper salary and benefits for all justices and judges of this State and to fulfill the directive of the commission as set out in subsection 11, the commission may consider the following factors as they apply specifically in this State and where relevant elsewhere:'

Further amend the amendment on page 3 by striking out all of
line 23 and inserting in its place the following:

'\$1702. Repeal'

STATEMENT OF FACT

This amendment is being offered on behalf of the Committee
on Engrossed Bills to make a technical correction. The amendment
is necessary to correct internal cross-references.

SPONSORED BY: John I. Tuttle
(Representative TUTTLE)

TOWN: Sanford

COMMITTEE AMENDMENT "A" to S.P. 548, L.D. 1496

skills and techniques for those teenagers who do become parents,
including information about parental responsibilities and child
support obligations.

CA

PART B**Sec. B-1. Commission to Study Poverty Among Working Parents**

1. **Commission established.** There is established the Commission to Study Poverty Among Working Parents, referred to in this Part as the "commission." The purpose of the commission is to investigate the extent to which poverty exists among working families, investigate how poverty among working or underemployed parents with children contributes to the need for greater public assistance expenditure, investigate economic development efforts and other public and private sector initiatives that could reduce poverty and make comprehensive recommendations that address the commission's findings to the 118th Legislature.

2. **Commission members.** The commission consists of 21 members, all of whom must have knowledge of and experience with the economic challenges facing low-income working people. An equal number of members must be appointed by the Governor, the President of the Senate and the Speaker of the House of Representatives. They are appointed as follows:

A. The following members must be appointed by the Governor:

(1) A Maine employer;

(2) A representative of the Department of Human Services;

(3) A representative from an organization whose purpose it is to advance the position of women;

(4) A representative from an organization that advocates for low-income people; and

(5) A representative from an agency providing community economic development services;

B. The following members must be appointed by the President of the Senate:

(1) A member of the religious community;

(2) A representative from a community action agency;

COMMITTEE AMENDMENT "A" to S.P. 548, L.D. 1496

(3) A professional child care provider;

(4) A representative of the Aid to Families with Dependent Children Advisory Committee; and

(5) A representative from a community agency providing education or training services to low-income people;

C. The following members must be appointed by the Speaker of the House of Representatives:

(1) A representative of organized labor;

(2) A recipient of Aid to Families with Dependent Children benefits who is a current or former participant in an education or training program;

(3) A working single parent who has minor children and who earns less than 150% of the federal poverty level;

(4) A representative of a postsecondary institution providing education and training services to low-income people; and

(5) A representative of a community agency providing nontraditional education or training services to low-income people;

D. The President of the Senate shall appoint 2 Senators, one from each major political party, and the Speaker of the House of Representatives shall appoint 2 Representatives, one from each major political party; and

E. The cochairpersons of the Maine Economic Growth Council or their designees shall serve as members.

3. Responsibilities of the commission. The commission shall:

A. Determine the extent to which current labor market participation enables individuals and families to earn the amount of income necessary to meet the basic needs of their families;

B. Examine current labor laws and practices, to determine their impact, both positive and negative, on the ability of families to meet their needs;

C. Consider and determine the respective responsibilities of the public and private sectors in ensuring that working families have income adequate to meet their basic needs;

2 D. Evaluate the effectiveness of the Unemployment Insurance
4 Program in meeting the needs of low wage part-time and
seasonal workers when they become unemployed;

6 E. Examine the efficacy of a state earned income tax credit
8 that would enable working families to meet the requirements
of the basic needs budget;

10 F. Examine the wages, benefits and protection available to
12 part-time and temporary workers, leased employees,
independent contractors and other contingent workers as
14 compared to regular full-time workers;

16 G. Solicit, receive and accept grants or other funds from
any person or entity and enter into agreements with respect
18 to these grants or other funds regarding the undertaking of
studies or plans necessary to carry out the purposes of the
20 commission; and

22 H. Request any necessary data from either public or private
entities that relate to the needs of the commission.

24 **4. Appointments; initial meeting; chair.** Appointing
authorities shall make all appointments to the commission by
26 October 1, 1995 and report those appointments to the Chair of the
Legislative Council, who shall call the first meeting. The
28 commission shall elect a chair from among its members.

30 **5. Staff Assistance.** The commission may request staffing
assistance from the Legislative Council.

32 **6. Funding.** The commission may seek outside sources of
34 funding.

36 **7. Reimbursement; mileage and other costs associated with**
participation on the commission. The members of the commission
38 are not entitled to compensation or reimbursement for expenses or
legislative per diem except that, to the extent that funds are
40 available, legislative members may request reimbursement for
mileage from the Executive Director of the Legislative Council.

42 **8. Report.** The commission shall prepare and submit a
44 report, including any legislation necessary to implement its
recommendations, to the First Regular Session of the 118th
46 Legislature by November 15th, 1996.

48 **PART C**

50

COMMITTEE AMENDMENT "A" to S.P. 548, L.D. 1496

Sec. C-1. 24 MRSA §2349-A is enacted to read:

§2349-A. Medical child support

A corporation organized pursuant to this chapter must comply with 42 United States Code, Section 1396g-1.

Sec. C-2. 24-A MRSA §2742, sub-§5 is enacted to read:

5. Compliance. An insurer issuing policies under this chapter must comply with 42 United States Code, Section 1396g-1.

Sec. C-3. 24-A MRSA §2809, sub-§1-A, as enacted by PL 1985, c. 652, §51, is amended to read:

1-A. Any such policy of group health insurance which that provides coverage for family members or dependents of individuals in the insured group may not define the terms "family" or "dependent" to exclude from coverage those minor children of any covered individual who do not reside with that individual. Insurers must comply with 42 United States Code, Section 1396g-1.

Sec. C-4. 24-A MRSA §4237 is enacted to read:

§4237. Medical child support

A health maintenance organization must comply with 42 United States Code, Section 1396g-1.

Sec. C-5. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1995-96

LEGISLATURE

**Commission to Study Poverty
Among Working Parents**

All Other	\$500
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Provides expenditure authorization if public or private funds are received to support activities of the Commission to Study Poverty Among Working Parents.'

Further amend the bill by inserting at the end before the statement of fact the following:

2

FISCAL NOTE

4

1995-96

6

APPROPRIATIONS/ALLOCATIONS

8

Other Funds

\$500

10

REVENUES

12

Other Funds

\$500

14

The net General Fund impact of this bill can not be determined and is, to a large extent contingent upon federal approval. The Department of Human Services will experience additional savings and costs if the required waivers are approved.

18

The additional costs include lowering the age threshold to 2 years of age, implementing the Peer Education Project with the family planning service providers and implementing the Commission to Study Poverty Among Working Parents, the Interdepartmental Welfare Reform Committee and the Day Care Task Force. Savings will be generated from reduced caseloads due to recipients no longer receiving benefits due to employment. The exact amounts will depend on the actual waivers, if any, that are granted.

28

Permitting Financial Order transfers from the Aid to Families to Dependent Children program to the Welfare Employment, Education and Training program may result in the need for future General Fund appropriations since any unexpended amount is currently authorized to be carried forward to support program costs. Permitting Welfare Employment, Education and Training funds to carry forward may reduce the amount that would otherwise lapse to the General Fund.

36

The Department of Education and the Department of Human Services will incur some minor additional costs to participate in the development of certain school curricula. These costs can be absorbed within the departments' existing budgeted resources.

42

The cash out of the food stamps portion of funding for ASPIRE-Plus will result in insignificant increases of General Fund revenue if federal approval is granted to convert tax exempt food stamps to cash payments.

46

The bill provides an allocation of Other Special Revenue funds of \$500 in fiscal year 1995-96 to the Legislature to provide expenditure authority if public or private funds are

48

COMMITTEE AMENDMENT "A" to S.P. 548, L.D. 1496

received to support activities of the Commission to Study Poverty Among Working Parents.

The additional costs to provide staffing assistance to the commission can be absorbed by the Legislature utilizing existing budgeted resources.

The Department of Human Services will realize some minor savings from the elimination of certain reporting requirements.

The Governor's proposed current services budget includes changes that may affect this bill's impact on the Aid to Families with Dependent Children program. This estimate of the fiscal impact may need to be adjusted based on final legislative actions on the current services budget.'

STATEMENT OF FACT

This is the majority amendment. It amends the bill as follows:

1. It adds Department of Human Services Region IV to the ASPIRE-Plus project and increases the participation limit to 1,500 persons.

2. It adds the MaineServe public service volunteer program to the workforce phase of the ASPIRE-JOBS Program.

3. It requires state agencies and agencies receiving funds from state agencies to participate in the development of employment resources.

4. It adds a Commission to Study Poverty Among Working Parents, a 21-member commission charged with investigating poverty, public assistance and economic development. The commission is required to report to the 118th Legislature by November 15, 1996.

5. It adds 4 provisions of law regarding health insurance that are required by federal law and that assist children in obtaining health insurance coverage through their parents' policies.

6. It requires the Department of Human Services to apply for a federal waiver to exclude from consideration as an asset a family's primary vehicle used for transportation.

7. It adds an allocation section and a fiscal note.

COMMITTEE AMENDMENT "A" to S.P. 562, L.D. 1530

~~C. --- Every new ATV, except 2-wheel off-road motorcycles, manufactured after January 1, 1991, and sold in Maine, must be equipped with working headlights, taillights and brake lights.~~

D. Every ATV, excluding 2-wheel off-road motorcycles, must have mounted on the rear at least one brake light capable of displaying a red light when the brakes are applied that is visible for at least 100 feet.

This subsection applies to any ATV operated in this State, regardless of where it was purchased.

Sec. 43. 12 MRSA §7857, sub-§25 is enacted to read:

25. Prohibition on sales without lights. Except as provided in this subsection, a person may not sell or offer to sell a new ATV unless that ATV is equipped with a functioning headlight, a taillight and brake light. This subsection does not apply to an ATV that:

A. Is a 2-wheel off-road motorcycle; or

B. Was manufactured prior to 1991.

Sec. 44. Task force established. The Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife, referred to in this section as the "task force," is established.

1. **Membership.** The task force consists of 8 members, appointed as follows.

A. The Speaker of the House of Representatives and the President of the Senate shall jointly appoint 5 members of the Legislature who are members of the Joint Standing Committee on Inland Fisheries and Wildlife. The Speaker of the House and the President of the Senate shall appoint these members from among names recommended for appointment by a majority of the members of the Joint Standing Committee on Inland Fisheries and Wildlife.

B. The Governor shall appoint 2 public members at large.

C. The Board of Directors of the Sportsman's Alliance of Maine shall appoint one member.

2. **Appointments; meetings; chair.** All members of the task force must be appointed not later than 30 days after the effective date of this section. The Executive Director of the Legislative Council must be notified of all appointments. When all appointments have been made, the Chair of the Legislative Council shall call the first meeting of the task force not later than July 31, 1995. At its first meeting, the task force shall elect a chair from among its members. The chair of the task force shall call all subsequent meetings.

3. **Purpose.** The task force shall conduct a comprehensive review of the operations and functions of the Department of Inland Fisheries and Wildlife. The Commissioner of Inland Fisheries and Wildlife, the Commissioner of Administrative and Financial Services, the Director of the Bureau of Human Resources and all other appropriate agencies shall cooperate with requests from the task force for information or records pertaining to the operations of the department.

4. **Staffing.** The task force shall request staffing assistance from the Legislative Council.

5. **Per diem and expenses.** Appointed members of the task force are entitled to legislative per diem and reimbursement for expenses related to work of the task force. Expenses that are eligible for reimbursement include travel, meals and lodging associated with travel outside this State.

6. **Costs paid by department.** The Department of Inland Fisheries and Wildlife shall pay all per diem and expenses of the task force.

7. **Report.** The task force shall submit its report and any accompanying legislation to the Second Regular Session of the 117th Legislature not later than January 1, 1996.

Sec. 45. Retroactivity. That section of this Act that repeals the Maine Revised Statutes, Title 12, section 7102, subsection 3 and that section of this Act that repeals and replaces Title 12, section 7102-A, subsection 4 are retroactive to January 1, 1995.

Sec. 46. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 12, section 7377, subsection 5 takes effect January 1, 1996.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

The authorization for the Commissioner of Inland Fisheries and Wildlife to charge fees for the use of certain department-owned sites, the repeal of free fishing days and the establishment of new bass tournament permit fees will increase General Fund revenue. The exact amounts can not be determined at this time.

These increases of General Fund revenues collected by the Department of Inland Fisheries and Wildlife may require additional General Fund appropriations to the department pursuant to the Constitution of Maine. The amounts will depend on the total General Fund appropriations to the department and the revenue generated by the department which will be determined by final legislative actions on the current services budget and other legislation during the First Regular Session of the 117th Legislature.

The Department of Inland Fisheries and Wildlife will incur some minor additional costs to adopt certain rules, administer certain regulatory requirements and pay for the costs associated with conducting a task force to study the operations of the department. These costs can be absorbed within the department's existing budgeted resources.

The additional costs to provide staff assistance to the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife can be absorbed by the Legislature utilizing existing budgeted resources.

This bill may result in a net increase of prosecutions for Class E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.22 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.

STATEMENT OF FACT

This amendment replaces the bill.