

MAINE STATE LEGISLATURE

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SEN. TROY D. JACKSON
CHAIR

REP. RACHEL TALBOT ROSS
VICE-CHAIR



131st MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. ELOISE A. VITELLI
SEN. MATTHEA E. DAUGHTRY
SEN. HAROLD "TREY" STEWART, III
SEN. LISA M. KEIM
REP. MAUREEN FITZGERALD TERRY
REP. KRISTEN CLOUTIER
REP. BILLY BOB FAULKINGHAM
REP. AMY B. ARATA

EXECUTIVE DIRECTOR
SUZANNE M. GRESSER

**January 26, 2023
1:30 P.M.**

AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE JANUARY 5, 2023 MEETING OF THE LEGISLATIVE COUNCIL	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
7	<ul style="list-style-type: none">Fiscal Report (Mr. Nolan)	Information
11	<ul style="list-style-type: none">Studies Report (Ms. Fox)	Information
	OLD BUSINESS	
16	Item #1: Council Actions Taken by Ballot (No Action Required)	Information
	NEW BUSINESS	
17	Item #1: Consideration of After Deadline Bill Requests	Roll Call Vote
22	Item #2: Acceptance of Report of the Advisory Panel To Better Understand and Make Recommendations Regarding the Implications of Genome-editing Technology for the Citizens of the State	Acceptance
30	Item #3: Acceptance of Report of the Blue Ribbon Commission To Study Emergency Medical Services in the State	Acceptance
35	Item #4: Acceptance of Report of the Committee To Ensure Constitutionally Adequate Contact with Counsel	Acceptance

45	Item #5	Acceptance of Report of the Commission to Study the Role of Water as a Resource in the State of Maine	Acceptance
50	Item #6	Acceptance of Report of the Task Force to Study the Process for Bringing Criminal Cases in Situations of Violence Against Health Care Workers	Acceptance

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. TROY JACKSON
CHAIR

REP. RACHEL TALBOT ROSS
VICE-CHAIR

EXECUTIVE DIRECTOR
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131ST MAINE STATE LEGISLATURE
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**LEGISLATIVE COUNCIL
MEETING SUMMARY
January 5, 2023**

CALL TO ORDER

President Jackson called the January 5, 2023 organizational meeting of the 131st Legislative Council to order at 1:47 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Jackson, Senator Vitelli, Senator Daughtry, Senator Stewart and Senator Keim

Representatives: Speaker Talbot Ross, Representative Terry, Representative Cloutier, Representative Faulkingham and Representative Arata

Legislative Officers: Darek Grant, Secretary of the Senate
Robert Hunt, Clerk of the House
Suzanne Gresser, Executive Director of the Legislative Council
Ed Charbonneau, Deputy Director, Office of Revisor of Statutes
Chris Nolan, Director, Office of Fiscal and Program Review
Danielle Fox, Director, Office of Policy and Legal Analysis

President Jackson convened the meeting at 1:47 p.m. with a quorum of members present.

President Jackson, declaring that a quorum was present and pursuant to the Rules of Procedure adopted by the 130th Legislative Council, called the first meeting of the 131st Legislative Council to order for the purposes of electing a Chair and a Vice-chair of the Legislative Council, adoption of rules of procedures and such other matters of the Legislative Council.

The Legislative Council's Rules of Procedure prescribe the following with regard to the election of Legislative Council Officers:

Rule #2 provides that the position of Chair alternate in succeeding biennial sessions between a member from the Senate and a member from the House of Representatives. Thus, pursuant to these

Rules, the Chair for this new Legislative Council should be a Legislative Council member who serves in the Senate.

Rule #3 provides that the Vice-chair not be a member of the same body of the Legislature as the Chair. Thus, the Vice-chair for the 131st Legislative Council should be a member who serves in the House of Representatives.

President Jackson stated that unless there was objection, the Legislative Council would continue its long-standing practice of conducting the vote by a showing of hands. Upon the election of a chair, the chair will preside over the remainder of this meeting.

Hearing no objection, President Jackson opened the floor for nominations for Chair of the Legislative Council.

Nomination: That Senate President Troy Jackson serve as Chair of the Legislative Council for the 131st Legislature. (Nominated by Speaker Talbot Ross, seconded by Rep. Terry).

With no further nominations or discussion, President Jackson closed the nominations. The vote for Legislative Council Chair was taken. President Jackson was elected to serve as Chair of the Legislative Council for the 131st Legislature. **Motion passed unanimously (10-0-0-0)**

President Jackson opened the floor for nominations for Vice-chair of the Legislative Council.

Nomination: That Speaker of the House Rachel Talbot Ross serve as Vice-chair of the Legislative Council for the 131st Legislature. (Nominated by President Jackson, seconded by Representative Faulkingham).

With no further nominations or discussion, President Jackson closed the nominations. The vote for Legislative Council Vice-chair was taken. Speaker Talbot Ross was elected to serve as Vice-chair of the Legislative Council for the 131st Legislature. **Motion passed unanimously (9-0-0-1**, with Representative Cloutier absent).

ADOPTION OF RULES OF PROCEDURE

Proposed Rules of Procedure for Legislative Council Adoption

Ms. Gresser briefly explained the provisions of the suggested *Rules of Procedure* for the Legislative Council of the 130th Legislature, which was based on the rules for the Legislative Council of the 130th Legislature; the only new language appears in the section on voting, and tracks the language adopted in the Joint Rules that requires that members who are permitted to participate by electronic means vote in a manner that allows that the voting to be seen and heard.

Motion: That the Legislative Council adopt the proposed Rules of Procedure for the Legislative Council of the 131st Legislature. Motion by Speaker Talbot Ross. Second by Rep. Terry. **Motion passed unanimously (10-0-0-0).**

[Note: A copy of the Rules of Procedure as adopted by the Legislative Council is attached.]

SUMMARY OF OCTOBER 27, 2022 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for October 27, 2022 be accepted and placed on file. Motion by Senator Daughtry. Second by Speaker Talbot Ross. **Motion passed unanimously (10-0-0-0).**

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Summary of Legislative Council Authority and Duties

Ms. Gresser gave an overview of the authority and duties of the Legislative Council as set forth in Maine law. No action by the Legislative Council was required.

Item #2: Establishment of Salaries for Constitutional Officers

Ms. Gresser drew the members' attention to the memorandum in their packet describing the State law governing the setting of salaries, and authorizing an annual increase, for each of the Constitutional Officers.

Motion: That the Legislative Council authorize a one-step increase in salary for the State Treasurer, for the Attorney General, and for the Secretary of State, in accordance with State law. Motion by Senator Stewart. Second by Representative Terry. **Motion passed unanimously (10-0-0-0).**

Item #3: Establishment of Salaries for Secretary of the Senate and Clerk of the House

Another initial decision required of the Legislative Council once a new Legislature is convened is establishing the initial salary for a newly elected Secretary of the Senate and a newly elected Clerk of the House. State law also prescribes the salary grade and the initial salary options for each of the Legislative officials. Both the Secretary of the Senate and the Clerk of the House having previously served in these positions qualify for step increases.

Motion: That the Legislative Council authorize a one-step increase in salary for the Secretary of the Senate, and for the Clerk of the House, in accordance with State law. Motion by Senator Daughtry. Second by Representative Terry. **Motion passed (10-0-0-0).**

Item #4: Legislative Council Policy on Processing Closely Related Legislator Bill Requests

Mr. Charbonneau gave a brief overview of the history of, and process for, addressing closely related legislator bills. Mr. Charbonneau explained that, although it is not possible to identify all closely related legislator bill requests, Legislative Councils in past sessions had requested that the Revisor of Statutes, pursuant to Joint Rule 206, attempt to combine legislator bill requests that may be viewed as closely related bills.

Mr. Charbonneau explained that, under the policy adopted most recently in the 129th Legislature, the Revisor's Office would draft the first bill that had been filed with sufficient information, after

which sponsors of each bill request identified as closely related were given the opportunity to sign on to the first bill as a “mandatory cosponsor.” Because those potential mandatory cosponsors could at that point decline to sign on to the first bill and request that their own bill be produced, the delay between printing of the first bill and similar bills could be extensive, posing problems for committees wishing to schedule them together.

Mr. Charbonneau recommended adoption of a policy that authorizes the Revisor’s Office, upon identification of similar filings, working with OPLA and OFPR and using as a guide for determining whether requests were closely related was whether the requests would likely be heard at the same committee hearing, to contact all of the sponsors who had filed such similar bills and provide them with an opportunity to work together on one bill and inform the Revisor’s Office of their decision regarding bill consolidation within a relatively short timeframe. Under this process, the Revisor’s Office would know upfront how many bills on similar topics were going forward and would draft the similar bills as a block, thus increasing the likelihood that similar bills could be referred to a committee within the same general timeframe.

Representative Terry expressed her appreciation of Mr. Charbonneau’s efforts to coordinate the issuance of similar bills for the purposes of committee consideration, and asked about the manner of informing sponsors of closely related filings. Mr. Charbonneau explained that a single email would be sent to all of the identified sponsors, with their legislative aides and Chiefs of Staff copied, asking them to inform the Revisor’s Office within three business days whether they would like to work together on a single bill. If any of the sponsors decline to work on a combined bill, the Revisor’s Office will separately produce those sponsors’ bills; if several sponsors choose to work together, the Revisor’s Office will work with the group to produce the combined bill. Mr. Charbonneau underscored that the goal is to draft bills identified as similar at the same time, whether or not the separate requests were combined into one, thus increasing the chance that the committees could hear similar bills at the same time. Representative Arata confirmed with Mr. Charbonneau that the group of identified sponsors could choose to assign primary sponsorship of the combined bill to a sponsor other than the sponsor who had filed the first complete request.

Motion: That the Legislative Council adopt the Policy on Processing of Closely Related Legislator Bill Requests recommended by the Revisor of Statutes for the 131st Legislature. Motion by Speaker Talbot Ross. Second by Senator Keim. **Motion passed unanimously (10-0-0-0).**

Item #5: Legislative Council Policy on Legislator Attendance

Ms. Gresser indicated that the provisions of the proposed Policy on Legislator Attendance were unchanged from the Policy on Legislator Attendance adopted by the 130th Legislative Council. Speaker Talbot Ross moved to table the Policy on Legislator Attendance for further consideration of equity between the bodies in the implementation of the policies governing the recording and excusing of absences.

Motion: That the Legislative Council table the Policy on Legislator Attendance for the 131st Legislature. Motion by Speaker Talbot Ross. Second by Representative Terry. **Motion passed unanimously (10-0-0-0).**

Item #6: Legislative Council meeting schedule for 2023

Ms. Gresser reviewed the proposed Legislative Council meeting schedule for 2023. Senator Keim questioned the date of the February meeting, as it falls during school vacation week. Senator Stewart suggested changing the date to the prior week on February 16th.

Motion: That the Legislative Council adopt the proposed Legislative Council meeting schedule for 2023, with the exception that the meeting date in February be changed to February 16, 2023. Motion by Representative Terry. Second by Representative Cloutier. **Motion passed unanimously (10-0-0-0).**

Item #7: Proposed Document Service Fee Schedule for 131st Legislature, First Regular Session

Ms. Gresser drew members' attention to the proposed fee schedule for the Document Service of the Clerk of the House.

Motion: That the Legislative Council adopt the Document Service fee schedule for the 131st Legislature, First Regular Session as proposed by the Clerk of the House. Motion by Speaker Talbot Ross. Second by Representative Terry. **Motion passed unanimously (10-0-0-0).**

Item #10: Acceptance of Annual Report of the Loring Development Authority

In accordance with State law, the Loring Development Authority of Maine has submitted for acceptance by the Legislative Council its Annual Report for Fiscal Year 2022.

Motion: That the report from the Loring Development Authority of Maine be accepted and placed on file. Motion by Representative Terry. Second by Senator Keim. **Motion passed unanimously (10-0-0-0).**

President Jackson, as chair of the Legislative Council, indicated that he had one additional item to add to the agenda, and he invited Speaker Talbot Ross to speak. Speaker Talbot Ross stated that she wished to create a limited-period clerical position, to be housed in the House Republican Office, and that she wished to make permanent a limited-position Legislative Aide position that is currently housed in the House Republican Office.

Motion: That the Legislative Council establish one legislative position count for one Legislative Aide position; and authorizes legislative budget adjustments to offset the cost of the position by lapsing an amount sufficient to offset the additional General Fund costs from the position from unspent balances in the legislative accounts; and further, the Legislative Council directs the Executive Director to prepare and submit implementing language reflecting the decisions of the Legislative Council to the Joint Standing Committee on Appropriations and Financial Affairs on behalf of the Legislative Council for inclusion in the committee amendment to the Governor's unified budget bill; and further

That the Legislative Council authorize the establishment of one limited period Grade 6 position, to be implemented by allotting unspent balances in the Legislative General Fund account; and further, that the Legislative Council direct the Executive Director to prepare and submit implementing documentation reflecting this decision of the Legislative Council

to the Bureau of the Budget. Motion by Speaker Talbot Ross. Second by Representative Faulkingham. **Motion passed unanimously (10-0-0-0).**

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:44 p.m.

Fiscal Briefing

January 26, 2023

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update (see attached)

Total General Fund Revenue - FY 2023 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Change
December	\$358.0	\$397.5	\$39.5	11.0%	\$380.0	4.6%
FYTD	\$2,572.7	\$2,612.6	\$39.9	1.6%	\$2,458.0	6.3%

General Fund revenue was over budget by \$39.5 million (11.0%) for the month of December and over budget by \$39.9 million (1.6%) for the fiscal year to date. **These positive variances now reflect the December 2022 revenue forecast, which increased budgeted General Fund revenue by \$282.8 million for FY 2023.** FY 2023 General Fund revenue through December 2022 was 6.3% greater than FY 2022 General Fund revenue through December 2021.

Individual income tax revenue was over budget by \$19.4 million (10.6%) for the month of December. This positive variance for the month was the result of positive variances in final tax payments, withholding, estimated payments and tax refunds below budgeted levels (positive impact on revenue), partially offset by fiduciary payments below budgeted levels. Corporate income tax revenue was \$13.2 million (21.9%) over budget for the month of December (a corporate income tax estimated payment month). Sales and use tax revenue for December (November sales) was over budget for the month by \$3.0 million (1.9%).

2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2023 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Change
December	\$23.2	\$24.2	\$1.0	4.5%	\$24.9	-2.7%
FYTD	\$178.6	\$181.4	\$2.8	1.5%	\$180.4	0.6%

Highway Fund revenue was over budget by \$1.0 million (4.5%) for the month of December and over budget by \$2.8 million (1.5%) for the fiscal year to date. **These positive variances now reflect the December 2022 revenue forecast, which increased budgeted Highway Fund revenue by \$0.6 million for FY 2023.** FY 2023 Highway Fund revenue through December 2022 was 0.6% greater than FY 2022 Highway Fund revenue through December 2021.

Fuel taxes exceeded budgeted levels by \$0.2 million (1.0%) for the month of December. Motor vehicle registrations and fees were over budget by \$1.3 million (30.0%) for the month.

3. Cash Balances Update

The average balance in the cash pool for December was \$4,344.9 million, a decrease of \$16.7 million from November's average of \$4,361.5 million. The decrease was the result of net decreases in Other Special Revenue Funds and Other Funds balances partially offset by increased General Fund balances. The average Highway Fund balance for December was \$20.4 million, a decrease of \$11.7 million from November's average of \$32.2 million, the result of the annual payment to the Local Road Assistance program being made in December.

4. Economic and Revenue Forecast Meetings

The Consensus Economic Forecasting Commission (CEFC) is next scheduled to meet in late March to review and update the economic forecast for its April 1st report. The Revenue Forecasting Committee (RFC) will then meet in late April to review and update the revenue forecast for its May 1st report.

General Fund Revenue
Fiscal Year Ending June 30, 2023 (FY 2023)

Updated 1/23/22

December 2022 Revenue Variance Report

Revenue Category	December '22 Budget	December '22 Actual	December '22 Variance	Fiscal Year-To-Date				% Change from Prior Year	FY 2023 Budgeted Totals
				Budget	Actual	Variance	Variance %		
Sales and Use Tax ¹	156,318,552	159,333,777	3,015,225	1,182,201,170	1,185,216,396	3,015,226	0.3%	7.5%	2,135,194,179
Service Provider Tax	3,929,704	4,152,198	222,494	25,880,723	26,103,216	222,493	0.9%	3.1%	50,051,352
Individual Income Tax	182,927,997	202,346,540	19,418,543	1,163,273,886	1,182,715,507	19,441,621	1.7%	9.8%	2,293,227,867
Corporate Income Tax	60,500,000	73,727,610	13,227,610	180,229,819	193,457,429	13,227,610	7.3%	0.6%	335,688,199
Cigarette and Tobacco Tax ²	12,365,663	13,362,204	996,541	79,205,467	80,202,007	996,540	1.3%	2.3%	153,052,320
Insurance Companies Tax	19,150	126,960	107,810	16,921,573	17,029,383	107,810	0.6%	7.6%	103,700,000
Estate Tax	2,350,000	884,764	(1,465,236)	23,437,083	21,971,847	(1,465,236)	-6.3%	-12.8%	37,400,000
Other Taxes and Fees *	10,595,719	12,784,010	2,188,291	72,776,561	71,002,717	(1,773,844)	-2.4%	-3.1%	153,494,063
Fines, Forfeits and Penalties	717,663	1,586,085	868,422	6,200,109	4,403,798	(1,796,311)	-29.0%	45.7%	10,532,292
Income from Investments	2,542,371	2,666,237	123,866	8,698,381	9,885,608	1,187,227	13.6%	241.0%	25,352,599
Transfer from Lottery Commission	6,009,616	7,138,319	1,128,703	32,451,927	38,372,605	5,920,678	18.2%	6.7%	62,500,000
Transfers to Tax Relief Programs *	(62,741,619)	(62,041,122)	700,497	(65,240,686)	(64,539,693)	700,993	1.1%	-8.5%	(80,610,000)
Transfers for Municipal Revenue Sharing	(18,163,455)	(18,163,455)	(0)	(135,240,823)	(135,240,819)	4	0.0%	-20.5%	(249,474,776)
Other Revenue *	634,059	(410,315)	(1,044,374)	(18,108,141)	(18,004,078)	104,063	0.6%	-948.9%	11,214,274
Totals	358,005,420	397,493,812	39,488,392	2,572,687,049	2,612,575,923	39,888,874	1.6%	6.3%	5,041,322,369

* Additional detail by subcategory for these categories is presented on the following page.

1 / Includes revenue from adult-use cannabis sales taxes of \$2.3 million for December and \$11.2 million for the fiscal year to date.

2 / Includes revenue from adult-use cannabis excise taxes of \$1.0 million for December and \$6.6 million for the fiscal year to date.

General Fund Revenue
Fiscal Year Ending June 30, 2023 (FY 2023)

Updated 1/23/22

December 2022 Revenue Variance Report

Revenue Category	Fiscal Year-To-Date								FY 2023 Budgeted Totals
	December '22 Budget	December '22 Actual	December '22 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Detail of Other Taxes and Fees:									
- Property Tax - Unorganized Territory	0	0	0	12,591,194	12,442,999	(148,195)	-1.2%	-0.7%	14,813,169
- Real Estate Transfer Tax	2,895,653	2,408,687	(486,966)	12,731,533	12,244,566	(486,967)	-3.8%	-9.5%	25,691,346
- Liquor Taxes and Fees	2,117,067	5,211,557	3,094,490	11,765,234	11,028,636	(736,598)	-6.3%	-7.7%	22,093,824
- Corporation Fees and Licenses	197,171	250,895	53,724	3,801,399	3,916,212	114,813	3.0%	56.8%	12,544,234
- Telecommunication Excise Tax	0	0	0	(1,046,096)	(1,046,096)	0	0.0%	N/A	5,700,000
- Finance Industry Fees	2,069,682	2,353,900	284,218	13,044,688	12,641,300	(403,388)	-3.1%	0.9%	26,216,990
- Milk Handling Fee	50,715	42,310	(8,405)	422,597	414,192	(8,405)	-2.0%	-48.9%	872,523
- Racino Revenue	647,728	723,019	75,291	4,673,580	5,481,259	807,679	17.3%	4.2%	10,513,564
- Boat, ATV and Snowmobile Fees	203,860	239,490	35,630	1,666,422	1,307,061	(359,361)	-21.6%	-14.4%	4,559,561
- Hunting and Fishing License Fees	1,080,004	916,906	(163,098)	7,982,042	8,791,914	809,872	10.1%	7.4%	15,994,284
- Other Miscellaneous Taxes and Fees	1,333,839	637,247	(696,592)	5,143,968	3,780,676	(1,363,292)	-26.5%	-15.6%	14,494,568
Subtotal - Other Taxes and Fees	10,595,719	12,784,010	2,188,291	72,776,561	71,002,717	(1,773,844)	-2.4%	-3.1%	153,494,063
Detail of Other Revenue:									
- Liquor Sales and Operations	1,528	8,761	7,233	10,513	29,138	18,625	177.2%	83.5%	28,500
- Targeted Case Management (DHHS)	15,118	5,054	(10,064)	33,731	33,732	1	0.0%	N/A	50,000
- State Cost Allocation Program	1,389,823	1,535,267	145,444	9,201,874	9,805,822	603,948	6.6%	-36.5%	18,342,179
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	7,700,000
- Tourism Transfer	(3,792,562)	(3,792,562)	0	(22,154,921)	(22,154,921)	0	0.0%	-43.2%	(22,390,264)
- Transfer to Maine Milk Pool	108,502	0	(108,502)	651,012	0	(651,012)	-100.0%	100.0%	(354,616)
- Transfer to STAR Transportation Fund	3,792,562	3,792,562	0	(14,767,001)	(14,767,001)	0	0.0%	-99.8%	(14,954,564)
- Other Miscellaneous Revenue	(880,912)	(2,052,500)	(1,171,588)	8,916,651	8,956,050	39,399	0.4%	-10.8%	22,793,039
Subtotal - Other Revenue	634,059	(503,417)	(1,137,476)	(18,108,141)	(18,097,180)	10,961	0.1%	-954.3%	11,214,274
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreak)	0	0	0	0	497	497	N/A	-17.3%	0
- BETR - Business Equipment Tax Reimb.	(1,507,144)	(3,973,186)	(2,466,042)	(4,017,465)	(6,483,508)	(2,466,043)	-61.4%	-323.0%	(19,000,000)
- BETE - Municipal Bus. Equip. Tax Reimb.	(61,234,475)	(58,067,936)	3,166,539	(61,223,221)	(58,056,682)	3,166,539	5.2%	-0.2%	(61,610,000)
Subtotal - Tax Relief Transfers	(62,741,619)	(62,041,122)	700,497	(65,240,686)	(64,539,693)	700,993	1.1%	-8.5%	(80,610,000)
Inland Fisheries and Wildlife Revenue - Total	1,349,701	1,273,464	(76,237)	10,068,014	10,554,700	486,686	4.8%	28.6%	21,511,715

Highway Fund Revenue
Fiscal Year Ending June 30, 2023 (FY 2023)

Updated 1/18/23

December 2022 Revenue Variance Report

Revenue Category	December '22 Budget	December '22 Actual	December '22 Variance	Fiscal Year-To-Date					FY 2023 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	15,213,483	15,338,009	124,526	104,149,604	104,274,131	124,527	0.1%	-0.6%	200,525,746
- Special Fuel and Road Use Taxes	4,544,613	4,461,576	(83,037)	25,966,902	25,878,644	(88,258)	-0.3%	-1.0%	50,253,103
- Transcap Transfers - Fuel Taxes	(1,569,394)	(1,456,202)	113,192	(9,686,794)	(9,573,602)	113,192	1.2%	0.3%	(18,432,321)
- Other Fund Gasoline Tax Distributions	(408,328)	(383,558)	24,770	(2,639,036)	(2,614,268)	24,768	0.9%	0.4%	(5,014,544)
Subtotal - Fuel Taxes	17,780,374	17,959,826	179,452	117,790,676	117,964,905	174,229	0.1%	-0.7%	227,331,984
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	4,638,194	4,873,773	235,579	34,397,245	35,429,453	1,032,208	3.0%	2.1%	69,162,203
- License Plate Fees	308,359	368,455	60,096	1,997,586	2,263,453	265,867	13.3%	-0.5%	3,661,097
- Long-term Trailer Registration Fees	905,134	1,979,522	1,074,388	6,858,498	7,932,886	1,074,388	15.7%	27.9%	13,134,523
- Title Fees	1,271,956	1,175,245	(96,711)	7,610,271	7,868,264	257,993	3.4%	2.1%	14,325,795
- Motor Vehicle Operator License Fees	709,811	909,328	199,517	5,989,301	6,226,263	236,962	4.0%	5.4%	10,232,973
- Transcap Transfers - Motor Vehicle Fees	(3,630,295)	(3,848,500)	(218,205)	(8,674,076)	(8,649,635)	24,441	0.3%	-1.5%	(16,518,054)
Subtotal - Motor Vehicle Reg. & Fees	4,203,159	5,457,822	1,254,663	48,178,825	51,070,684	2,891,859	6.0%	5.8%	93,998,537
Motor Vehicle Inspection Fees	473,706	11,041	(462,665)	1,697,106	829,987	(867,120)	-51.1%	-49.7%	3,202,500
Other Highway Fund Taxes and Fees	105,311	104,557	(754)	679,682	818,742	139,060	20.5%	-1.2%	1,267,454
Fines, Forfeits and Penalties	50,534	81,764	31,230	303,204	615,061	311,857	102.9%	-4.6%	606,412
Interest Earnings	18,430	54,313	35,883	110,584	201,466	90,882	82.2%	96.4%	341,649
Other Highway Fund Revenue	521,237	517,153	(4,084)	9,872,796	9,896,962	24,166	0.2%	-1.0%	13,025,283
Totals	23,152,751	24,186,476	1,033,725	178,632,873	181,397,807	2,764,934	1.5%	0.6%	339,773,819

**LEGISLATIVE COUNCIL AUTHORIZED STUDIES AND INTERIM COMMITTEE MEETINGS
(130th MAINE LEGISLATURE-SECOND REGULAR SESSION)
Presented to Legislative Council of the 131st Legislature January 26, 2023**

Study Commission/Committee Study	Assigned Staff	Number of authorized meetings held to date	Report Date	Chairs	Status or comment
Interim Studies, Nonpartisan Staff-Assigned					
LD 842 Commission to Examine the Reinstatement of Parole Resolve 2021 c. 126	Sam Praver Julia MacDonald	Six meetings authorized* <i>September 8, 2022</i> <i>October 7, 2022</i> <i>October 14, 2022</i> <i>November 16, 2022</i> <i>November 29, 2022</i>	12/1/22	Sen. Hickman Rep. (Charlotte) Warren	Report complete, sent for printing *2 additional meetings approved
LD 1995 Part KK (Emergency) Commission to Develop a Paid Family Medical Leave Benefits Program PL. 2021 c. 635 Part KK	Colleen McCarthyReid Anna Broome Luke Lazure	Seven meetings authorized* <i>May 31, 2022</i> <i>October 3, 2022</i> <i>October 11, 2022</i> <i>November 1, 2022</i> <i>November 18, 2022</i> <i>November 29, 2022</i> <i>December 2, 2022</i>	*12/6/22	Sen. Daughtry Rep. Cloutier	Report draft in progress pending Commission review *additional meeting and extension approved Actuarial report received
LD 629 (Emergency) Task Force to Study the Process for Bringing Criminal Cases in Situations of Violence Against Healthcare Workers Resolve 2021 c. 173	Lynne Caswell Anna Broome	Four meetings authorized <i>August 3, 2022</i> <i>September 13, 2022</i> <i>September 27, 2022</i> <i>October 13, 2022</i>	11/2/22	Sen. Claxton Rep. (Anne) Perry	Report complete and distributed
LD 1569 Commission to Study the Role of Water as a Resource in the State of Maine Resolve 2021 c. 185	Julia MacDonald Dan Tartakoff Michael Russo	Five meetings authorized* <i>September 12, 2022.</i> <i>October 6, 2022</i> <i>October 19, 2022</i>	11/2/22*	Sen. Chipman Rep. Gramlich	Report complete and distributed *additional meeting and

**LEGISLATIVE COUNCIL AUTHORIZED STUDIES AND INTERIM COMMITTEE MEETINGS
(130th MAINE LEGISLATURE-SECOND REGULAR SESSION)
Presented to Legislative Council of the 131st Legislature January 26, 2023**

		November 10, 2022 December 1, 2022			extension approved
LD 1824 (Emergency) Commission to Develop a Pilot Program to Provide Legal Representations to Families in the Child Protection System Resolve 2021 c. 181	Janet Stocco Sam Senft Lucia Nixon	Four meetings authorized <i>August 1, 2022</i> <i>August 22, 2022</i> <i>October 3, 2022</i> <i>October 17, 2022</i>	11/2/22	Sen. Bailey Rep. Stover	Report printed and distributed
LD 1946 (Emergency) Commission to Ensure Constitutionally Adequate Contact with Counsel Resolve 2021 c. 182	Sam Senft Jane Orbeton	Five meetings authorized* <i>September 7, 2022</i> <i>September 21, 2022.</i> <i>October 5, 2022</i> <i>October 19, 2022</i> <i>November 1, 2022</i>	11/2/22	Sen. Carney Rep. Harnett	Report complete and distributed *additional meeting approved
LD 1988 (Emergency) Blue Ribbon Commission to Study Emergency Medical Services in the State PL. 2021 c. 749	Hillary Risler Dan Tartakoff	Six meetings authorized <i>September 1, 2022</i> <i>September 15, 2022</i> <i>October 6, 2022</i> <i>October 25, 2022</i> <i>November 14, 2022</i> <i>December 5, 2022</i>	12/7/22	Sen. Curry Rep. Talbot Ross	Report complete and distributed
LD 2008 (Emergency) Committee to Study Court-ordered Treatment for Substance Use Disorder Resolve 2021 c. 183	Lindsay Laxon Dan Tartakoff	Four meetings authorized <i>September 16, 2022.</i> <i>October 3, 2022.</i> <i>October 24, 2022.</i> <i>*November 30, 2022</i>	11/2/22*	Sen. Carney Rep. Madigan	Report complete sent to printing *extension approved
LD 680 (Emergency) Task Force to Study the Creation of a Comprehensive Career and Technical Education System	Steve Langlin Hillary Risler	Four meetings authorized None held	11/2/22	Sen. Rafferty Rep. McCrea	All appointments made – outside funding not received by

**LEGISLATIVE COUNCIL AUTHORIZED STUDIES AND INTERIM COMMITTEE MEETINGS
(130th MAINE LEGISLATURE-SECOND REGULAR SESSION)
Presented to Legislative Council of the 131st Legislature January 26, 2023**

Resolve 2021 c. 174					required date specified in authorizing legislation
LD 1240 Commission to Increase Housing Opportunities in Maine by Studying Land Use Regulations and Short-term Rentals Resolve 2021 c. 184	Karen Nadeau Steve Langlin	Six meetings authorized <i>September 13, 2022</i> <i>September 23, 2022</i> <i>October 3, 2022.</i> <i>October 17, 2022</i> <i>October 24, 2022</i> <i>October 31, 2022</i>	11/2/22	Sen. Hickman Rep. Roeder	Report printed and distributed
LD 1771 Advisory Panel to Better Understand and Make Recommendations Regarding the Implications of Genome-editing Technology for the Citizens of the State Resolve 2021 c. 177	Rachel Olson Janet Stocco	Four meetings authorized <i>August 17, 2022</i> <i>September 7, 2022</i> <i>September 21, 2022</i> <i>October 19, 2022</i>	11/2/22	Sen. Claxton Rep. Zager	Report complete and distributed
Ongoing statutory studies					
Right to Know (Advisory Committee) T 1 §411	Colleen McCarthyReid Rachel Olson Lindsay Laxon Jane Orbeton	No fewer than 4 meetings <i>September 15, 2022</i> <i>October 13, 2022</i> <i>October 26, 2022</i> <i>October 27, 2022</i> <i>November 17, 2022</i> <i>December 1, 2022</i>	annually	Rep. Harnett	Report complete and sent for printing
Marijuana Advisory Commission T 28-B c. 1 sub c. 9	Sam Prawer Rachel Olsen	No meetings held	annually	Sen. Miramant Rep. Pierce	Memo sent
Education and Employment Outcomes Task Force T. 20-A c. 437	Lynne Caswell	Four meetings authorized (per calendar year) No meetings held	annually Nov 1	Sen. Rafferty Rep. Gere	Gubernatorial appointments pending (4)

**LEGISLATIVE COUNCIL AUTHORIZED STUDIES AND INTERIM COMMITTEE MEETINGS
 (130th MAINE LEGISLATURE-SECOND REGULAR SESSION)
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Other studies (staffed by department/agency – Council approved assistance by OPLA/OFPR)					
LD 1995 (Emergency) Advisory Committee on the Fund to Address PFAS Contamination PL. 2021 c. 695 Part XX	Department - staffed with assistance from OPLA and OFPR as needed	9 meetings authorized		Sen. Brenner Rep. Fay	To date, no Legislative Council staff assistance requested

**130th MAINE LEGISLATURE/FIRST REGULAR SESSION
AUTHORIZED INTERIM COMMITTEE MEETINGS**

Interim meetings of Joint Standing Committees or subcommittees			
Agriculture, Conservation & Forestry	Karen Nadeau		
Criminal Justice and Public Safety	Jane Orbeton Daniel Tartakoff		
Education and Cultural Affairs	Hillary Risler	One meeting authorized <i>June 16, 2022 at 9:30 a.m.</i>	UMS briefings and DOE/MEPRI updates (time permitting)
Environment and Natural Resources	Daniel Tartakoff	Four authorized meetings <i>October, 3 2022 @ 12:00 p.m.</i> <i>October 17, 2022 @ 10:00 a.m.</i>	No plan to hold additional meetings, report draft out for review
Energy, Utilities and Technology	Daniel Tartakoff		
Health and Human Services	Anna Broome Sam Senft	Three authorized meetings <i>June 8, 2022 at 10:00 a.m.</i> <i>September 19, 2022 at 10:00 a.m.</i>	OCFS issues/briefings
Health Coverage, Insurance and Financial Services	Colleen McCarthy	Two authorized meetings <i>April 28, 2022</i>	Anthem/MaineHealth
Inland Fisheries and Wildlife	Julia MacDonald		
Innovation, Development, Economic Advancement and Business	Rachel Olson	One authorized meeting <i>July 26, 2022 at 9:00 a.m.</i>	
Judiciary	Peggy Reinsch Janet Stocco		
Labor and Housing	Steven Langlin		
Marine Resources	Lynne Caswell		
State and Local Government	Lynne Caswell		
Taxation	Julie Jones	Two authorized meetings (none scheduled)	
Transportation	Samuel Prawer Karen Nadeau		
Veteran and Legal Affairs	Janet Stocco Samuel Prawer		

**Legislative Council Actions
Taken by Ballot Since the
January 5, 2023 Council Meeting**

Requests for Introduction of Legislation:

LR 2401 An Act to Update the Reimbursement for Travel-related Expenses Incurred as a Result of the Performance of Legislative Duties

Submitted by: Senator Troy Jackson
Date: January 9, 2023
Vote: 10-0-0-0 Passed

LR 2409 An Act to Improve the Licensing Procedure for Social Workers

Submitted by: Rep. Talbot Ross
Date: January 10, 2023
Vote: 9-0-0-1 Passed (with Senator Keim recorded as absent)

**131st Maine State Legislature
Legislative Council
Requests to Introduce Legislation
And Certain Joint Resolutions
First Regular Session**

As of: 1/24/2023 9:05:08 AM

AFTER DEADLINE BILL REQUESTS

SPONSOR:

<u>LR #</u>	<u>Title</u>	<u>Action</u>
664	An Act to Require the Probate Court to Report Name Changes to the State Bureau of Identification	

SPONSOR: Rep. Benjamin Thomas Collings

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2389	An Act to Allow for Evidence-based Home Visiting Services	
2390	An Act to Authorize a General Fund Bond Issue to Fully Fund Passenger Rail Expansion Between Brunswick and Bangor and Between Portland and Lewiston	
2391	Resolve, to Provide for One Month of Free Passenger Rail Service in Maine	

SPONSOR: Rep. Scott Wynn Cyrway

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2421	An Act Regarding the Regulation of Public and Private Ambulance Services and Fees for Treatment	

SPONSOR: Rep. Jack Ducharme

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2410	An Act to Amend the Membership of the Somerset Woods Trustees	

SPONSOR: Rep. Billy Bob Faulkingham

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2396	An Act to Enact the Protection of Shared Physical and Digital Property from Warrantless Searches Act	

2398 An Act to Increase the Deduction from Income for Pension Benefits

SPONSOR: Rep. Jessica L. Fay

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2408	An Act to Protect Internet Consumers	

SPONSOR: Sen. Craig V. Hickman

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2392	An Act to Strengthen Legislative Oversight of Government Agencies and Programs by Providing the Government Oversight Committee Access to Confidential Records	

SPONSOR: Pres. Troy Dale Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2419	An Act to Finish Completion of the Green Energy Materials Building at the University of Maine	

2427 An Act to Construct a New District Headquarters Building for the Bureau of Forestry in Fort Kent

SPONSOR: Rep. Karen Lynn Montell

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2399	An Act to Expand Educational and Vocational Opportunities For Inmates and Incarcerated Individuals to Provide a Pathway to Re-entry	

SPONSOR: Sen. Tim Nangle

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2397	An Act to Index Workers' Compensation Benefits to the Rate of Inflation	

SPONSOR: Sen. Trey Stewart

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2393	An Act to Bolster Maine's Workforce and Economy	

2394 An Act to Assist Parents in Finding Stable Employment

2423 An Act to Require the Payment of Child Support by an Intoxicated Driver Who Kills a Parent

2425 An Act to Implement Critical Reforms to the Department of Environmental Protection Outlined in the Nonpartisan Maine COVID-19 Reopening Plan

SPONSOR: Rep. Holly B. Stover

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2426	Resolve, To Name a Bridge in the Town of Bremen the Kitty Breskin Memorial Bridge	

SPONSOR: Sen. Eloise A. Vitelli

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2422	An Act to Establish the Disabled Veterans Municipal Shellfish Program	

JOINT RESOLUTIONS

SPONSOR: Rep. John Andrews

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1266	JOINT RESOLUTION URGING THE BIDEN ADMINISTRATION TO OPEN UP DOMESTIC ENERGY PRODUCTION	

SPONSOR: Sen. Donna Bailey

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2400	JOINT RESOLUTION URGING MAINE'S FEDERAL DELEGATION TO CONTINUE WORKING WITH ALL STAKEHOLDERS TO FIX THE DELAYS IN POSTAL DELIVERY IN MAINE	

SPONSOR: Sen. Richard A. Bennett

<u>LR #</u>	<u>Title</u>	<u>Action</u>
885	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION	

924 JOINT RESOLUTION, MEMORIALIZING THE MAINE-CANADIAN LEGISLATIVE ADVISORY COMMISSION AND THE NEW ENGLAND AND EASTERN CANADA LEGISLATIVE COMMISSION TO EXAMINE RESTORING PASSENGER RAIL FROM BOSTON TO MONTREAL

SPONSOR: Sen. Stacy Fielding Brenner

<u>LR #</u>	<u>Title</u>	<u>Action</u>
803	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO LEAD A GLOBAL EFFORT TO PREVENT NUCLEAR WAR	

SPONSOR: Rep. Billy Bob Faulkingham

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2038	JOINT RESOLUTION TO URGE THE MAJOR LEAGUE BASEBALL COMMISSIONER TO REINSTATE PETE ROSE AND TO INDUCT HIM INTO THE BASEBALL HALL OF FAME	

SPONSOR: Sen. Craig V. Hickman

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2349	JOINT RESOLUTION, URGING MAINE'S CONGRESSIONAL DELEGATION TO SUBMIT LEGISLATION TO PROTECT THE FOOD SUPPLY FROM PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AND OTHER CONTAMINANTS	

SPONSOR: Pres. Troy Dale Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
579	JOINT RESOLUTION, URGING CONGRESS TO ACT QUICKLY TO PROVIDE HEATING ASSISTANCE TO MAINE PEOPLE	

SPONSOR: Sen. James D. Libby

<u>LR #</u>	<u>Title</u>	<u>Action</u>
577	JOINT RESOLUTION, URGING CONGRESS TO LIMIT THE FEDERAL RESERVE MONEY SUPPLY	

SPONSOR: Rep. Laurel Libby

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2224	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO REPEAL THE REAL ID ACT OF 2005	

SPONSOR: Rep. Rick G. Mason

<u>LR #</u>	<u>Title</u>	<u>Action</u>
960	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO DEMAND THAT THE SOUTHERN UNITED STATES BORDER BE CLOSED TO DRUG CARTELS	

SPONSOR: Rep. Charles Axel Skold

<u>LR #</u>	<u>Title</u>	<u>Action</u>
966	JOINT RESOLUTION, SUPPORTING FEDERAL LEGISLATION GRANTING STATEHOOD TO THE PEOPLE OF WASHINGTON, D.C.	

**131st Maine State Legislature
Addendum
Legislative Council
Requests to Introduce Legislation
First Regular Session**

Actions Taken After January 24, 2023

SPONSOR: Sen. Eric Brakey

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2431	An Act to Establish a Maine Commercial Driver's License for Use Within State Borders	



State of Maine
130th Legislature, Second Regular Session

**Advisory Panel To Better
Understand and Make Recommendations
Regarding the Implications of
Genome-editing Technology
for the Citizens of the State**

December 2022

Office of Policy and Legal Analysis



**STATE OF MAINE
130th LEGISLATURE
SECOND REGULAR SESSION**

**Advisory Panel To Better Understand and Make Recommendations
Regarding the Implications of Genome-editing Technology
for the Citizens of the State**

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Members:

**Sen. Ned Claxton, Chair
Rep. Samuel Zager, Chair
Sen. Joe Baldacci
Sen. Marianne Moore
Rep. Patricia Hymanson
Rep. Amy Arata
Frank Chessa
Marcques Houston
Dwayne Tomah
Lois Lowry
Abbie Hunnewell
Charles Wray
Hon. Christina Riley
Dana Waring Bateman
Hon. Richard Mulhern
Amy Belisle**

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C. Third Meeting - September 21, 2022	12
D. Fourth Meeting - October 19, 2022	19
IV. Recommendations.....	23

Appendices

- A. Authorizing Legislation: Resolve 2021, c. 177
- B. Membership List: Advisory Panel To Better Understand and Make Recommendations Regarding the Implications of Genome-editing Technology for the Citizens of the State
- C. List of Background Materials
- D. Introductory Presentations by Dana Waring Bateman, genetics educator
 - *Genome Editing and CRISPR* (Aug. 17, 2022)
 - *What is a gene? What are germ cells, somatic cells, and stem cells? How are CRISPR therapies delivered?* (Sept. 7, 2022)
- E. Gene Editing in Health and Bioscience (presenter materials)
 - Laura Reinholdt, Ph.D., Associate Professor and co-Director, Genetic Resource Sciences, The Jackson Laboratory
 - Jonathan Zuckerman, M.D., Director, Adult Cystic Fibrosis Program, Maine Medical Center
- F. Gene Editing in Health and Bioscience (related materials)
 - Presentation by Frank Chessa, Ph.D., MA, HEC-C, Director of Clinical Ethics at Maine Medical Center: *Regulatory Guardrails for Human Gene Editing*
 - Staff memorandum on Maine’s genetic counselor workforce
 - Public comment on genetic counselor licensing from Lisa Harvey-McPherson, RN, MBA, MPPM, Vice President Government Relations, Northern Light Health
 - Information on genetic counselor workforce issues from Katherine Lafferty, MS, CGC, Senior Clinical Genomic Variant Analyst, Broad Institute

- Information on MaineCare coverage from Molly Bogart, Director of Government Relations, Maine Department of Health and Human Services
- Public comments from Kent H. Redford, Ph.D., Archipelago Consulting

G. Gene Editing in the Natural World (presenter materials)

- Christopher Okonkwo, Ph.D., Assistant Professor of Biotechnology, The Roux Institute: *Genome Editing in the Natural Environment*
- Melody N. Neely, Ph.D., Associate Professor of Molecular and Biomedical Sciences, the University of Maine
- Hillary Peterson, Ph.D., Integrated Pest Management Specialist, Maine Department of Agriculture, Conservation and Forestry: *Gene Editing as a Tool in the Integrated Pest Management Toolbox for the State of Maine*
- Kent H. Redford, Ph.D., Archipelago Consulting
- Anne Langston Noll, Ph.D., Project Director, Maine Aquaculture Innovation Center

H. Gene Editing in the Natural World (related materials)

- Staff memorandum on genetic engineering and organic farming and processing

I. Gene Editing and the Humanities (presenter materials)

- Kate McBrien, Maine State Archivist: *Malaga Island & Eugenics*

J. Gene Editing and the Humanities (related materials)

- Staff memorandum on the Malaga Island legislative apology and scholarship fund

K. Gene Editing in Systems and Institutions (presenter materials)

- Brian Whitney, President, Maine Technology Institute
- Joan Ferrini-Mundy, Ph.D., University of Maine System Vice Chancellor for Research & Innovation and President of the University of Maine and the University of Maine at Machias: *University of Maine System Education & Research Perspective on Fostering a Vibrant Biotechnology Sector in the State*
- Dana O'Brien, President, FocusMaine
- Lon Cardon, Ph.D., FMedSci, President and CEO, The Jackson Laboratory

L. Gene Editing in Systems and Institutions (related materials)

- Information from the Maine Department of Education on Science, Technology, Engineering and Mathematics (STEM) education

M. Panel Correspondence

- Letter to Commissioner of Education, Chancellor of the University of Maine System and President of the Maine Community College System
- Letter to Maine's Congressional Delegation
- Letter to Commissioner of Economic & Community Development
- Letter to Commissioner of Health and Human Services
- Letter to Governor's Office regarding the Office of Affordable Health Care

Executive Summary

Humans have harnessed the power of genetics throughout history, beginning with selectively breeding agricultural crops and livestock to increase the prevalence of beneficial traits, such as enhanced growth rate and disease resistance. With advances in science and technology, the field of genetics expanded from agricultural fields and livestock barns into research laboratories and medical institutions. As knowledge of genetics increased, medical professionals and society at large looked for the potential benefits for health and the prevention of human suffering this knowledge could bring.

In more recent history, by tracking the prevalence of diseases in families, medical researchers were able to identify the genetic underpinnings of certain human diseases, such as Huntington's disease and sickle cell anemia. In some instances, if scientists discovered that a genetic mutation associated with a disease prevented the body from producing an essential gene product, they were able to develop treatments that delivered the missing essential gene product to the patient, thereby alleviating the disease symptoms. Unfortunately, until more recent advances in the field of genetics, few genetic diseases were amenable to such treatments.

The 1980s brought developments in genetic engineering techniques. These advances allowed scientists to develop crops and livestock with desired traits far more quickly than conventional breeding techniques, but the process was still labor-intensive, time consuming and imprecise. Scientists could not target where the new genetic material would be inserted into the recipient organism's genome. As a result, genetic engineering (also known as gene therapy) carried too high a risk for human patients: the new genetic material, while potentially beneficial as a treatment for the patient's current disease, might be inserted into the middle of, and therefore disrupt the functioning of, an essential gene, causing potentially harmful or even fatal side effects.

Recent advances in genome-editing technologies, such as CRISPR-Cas9 (the acronym for clustered regularly interspaced short palindromic repeats (CRISPR) and CRISPR-associated protein 9), have revolutionized the field of genetics and renewed hope that gene-editing technologies will be able to bring about the eradication of many deadly human diseases and save countless lives, immeasurable heartache and large health care expenditures in perpetuity. These technologies allow scientists to make more precise alterations to the genetic makeup of an organism in an extraordinarily short period of time. Although first discovered only a decade ago, CRISPR-Cas9 and related genome-editing technologies are already leading to the development of potentially lifesaving medical treatments, such as for sickle cell anemia and spinal muscular atrophy. CRISPR-Cas9 has also been successfully used to genetically alter crops, animals, insects and microorganisms.

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As history has shown, society must examine not only the enormous potential benefits but also the potential risks, ethical issues and societal implications of these technologies.

Nevertheless, as history has shown, society must examine not only the enormous potential benefits, but also the potential risks, ethical issues and societal implications of these technologies. Policymakers must ask, for example: Should gene editing only be permitted as a method to treat patients with a genetic disease, or should it also be used to alter the genetic makeup of those patients in a way that allows them to pass the altered genes on to their children? How will agricultural uses of genome-editing technology affect biodiversity and can these technologies be used in a way that will not impact organic farming? How

can we ensure that access to these new, often expensive treatments is equitable and that these technologies are not developed or used in a way that will intentionally or unintentionally harm historically disadvantaged members of society? The impact of these technologies and their applications is increasingly evident in medicine, agriculture and the economy – and the pace of innovation is accelerating.

Genome-editing technologies have the potential to fundamentally improve the human experience and life for Mainers. Without the proper safeguards, however, they also could fundamentally harm our health, our natural environment, our social fabric and our economy. While federal funding restrictions and international professional society agreements and conventions provide current safeguards, until now, no state has examined how genome-editing technology broadly affects their state and its people. Thus, the 130th Maine Legislature established the Advisory Panel To Better Understand and Make Recommendations Regarding the Implications of Genome-editing Technology for the Citizens of the State. In Resolve 2021, chapter 177, the Legislature tasked the panel with studying the implications of genome-editing technology and with making recommendations to the joint standing committee of the 131st Legislature having jurisdiction over health and human services matters on the legislative, administrative or other steps the State should take to both capitalize on the potential benefits, and avoid the hazards, of genome-editing technology. The resolve identified the following areas of expertise and background knowledge that could inform a legislative and regulatory framework for genome-editing technologies: ethics; clinical medicine for children and adults; public health; bioscience research; environmental protection; forestry; agriculture or aquaculture; fishing; state economics; tourism, business or commerce; military or security affairs; experience with the University of Maine System or Maine Community College System; hospice or hospital chaplaincy; the history of race, ethnicity or eugenics; and persons living with or who are the parents of persons living with a single-gene disorder, such as sickle cell anemia, cystic fibrosis or Duchenne muscular dystrophy. (A copy of Resolve 2021, chapter 177 is included as Appendix A.)

Pursuant to the resolve, the panel was comprised of 14 residents of the State as follows:

- Six legislators, with preference given to Legislators having expertise or backgrounds in one of the areas described above;
- One bioethicist;
- One person under 30 years of age at the time of appointment;
- One member of a federally recognized Indian nation, tribe or band in the State;
- One fiction author or poet whose published works have explored the humanity of all people;
- One person living with a single-gene disorder; and
- Three persons having expertise or background in one of the areas described above.

Additionally, the resolve directed the Presiding Officers to invite the participation of the Chief Justice of the Supreme Judicial Court or the chief justice's designee and the Governor or the Governor's designee. (A list of panel members is included as Appendix B.)

Over the course of its four meetings, the panel sought input from numerous experts, including panel members, and received presentations focused on four areas of inquiry:

- ***Gene Editing in Health and Bioscience***, including the medical, public health and bioscience research opportunities and implications of this technology;

- *Gene Editing in the Natural World*, including the environmental, agricultural, forestry, fisheries and aquaculture opportunities and implications of this technology;
- *Gene Editing and the Humanities*, including the historical context of the eugenics movement and the ethical, legal and religious considerations attendant to this technology; and
- *Gene Editing in Systems and Institutions*, including the state economy, business and industry and education system opportunities and implications of this technology.

After carefully considering these presentations and follow-up information gathered in response to panel member questions, the panel developed the following set of consensus recommendations regarding the appropriate path for Maine in this new era of genome-editing technology.

	Recommendations
Genetic literacy and workforce development	<p>A. To affirm the importance of genetics, genomics and related technologies, including data science, the Maine Department of Education should:</p> <ol style="list-style-type: none"> i. Gather, assemble and aggregate more educational resources for educators teaching in these content areas. ii. Explore ways to enhance professional development opportunities for pre-Kindergarten through grade 12 educators in the State. <p>B. The University of Maine System, the Maine Community College System and the Maine Department of Education should jointly participate in a genetics education summit in order to:</p> <ol style="list-style-type: none"> i. Enhance the connections between the State’s higher education institutions and the pre-Kindergarten through grade 12 system, including the State’s career and technical education system, regarding the teaching of genetics, genomics and related technologies. ii. Consider how to develop and promote community-based education regarding genetics, genomics and related technologies outside of the formal education setting.
Economic opportunities and workforce development	<p>C. The Department of Economic and Community Development should convene a statewide conference on genomic and gene-editing research.</p> <p>D. The Legislature should enact legislation directing the Maine Department of Agriculture, Conservation and Forestry to study both:</p> <ol style="list-style-type: none"> i. The current uses and applications of gene-edited organisms and gene-editing technologies in the State’s agriculture and forestry industries, including the potential this technology may provide to enhance those industries in the future; and ii. The impact that gene-editing technologies and gene-edited organisms may have on the State’s organic farming industry – specifically, whether current state and federal legal and regulatory safeguards maintain the appropriate balance between the potential benefits of gene-editing technologies to non-organic farmers and the importance of preserving the integrity of organic farming methods and products. <p>The legislation should direct the department to submit a combined report or separate reports on these issues, including its findings and recommendations, to the joint standing committee of the 131st Legislature having jurisdiction</p>

	<p>over agriculture and forestry issues, which should be authorized to report out legislation related to the report.</p>
<p>Cost of and access to genomic medicine</p>	<p>E. The Legislature should amend the statute establishing the Rare Disease Advisory Council to require that the Commissioner of Health and Human Services:</p> <ul style="list-style-type: none"> i. Appoint at least one person whose rare disease is the result of a single-gene disorder, with preference given to a person who is eligible to participate in a clinical trial involving genomic medicine for that rare disease, when appointing the two members of the council who are over 18 years of age and who have had or who currently have a rare disease under 22 M.R.S. §1700-B(2)(L); ii. Appoint at least one parent or guardian of a child whose rare disease is caused by a single-gene disorder, with preference given to the parent or guardian of a child who is eligible to participate in a clinical trial involving genomic medicine for that rare disease, when appointing the two members of the council who are parents or guardians of a child with a rare disease under 22 M.R.S. §1700-B(2)(M). <p>F. The Rare Disease Advisory Council should specifically address the financial burdens and potential benefits of genomic medicine as it completes its statutory duties, set forth in 22 M.R.S. §1700-B(5)(D) & (E), to distribute educational resources to providers and patients regarding treatment for rare diseases and to develop recommendations to improve patient quality of life and to provide services and reimbursement for such services.</p> <p>G. In conducting its statutory duties, the Office of Affordable Health Care, established by 5 M.R.S. §3122, should examine not only historic drivers of health care costs but also future cost-drivers, such as genomic medicine, which may have large up-front treatment costs but might also dramatically improve the lives of patients with rare diseases and yield long-term cost savings for both patients and insurance carriers.</p>
<p>Access to high-quality genetic counseling services</p>	<p>H. The Legislature should enact legislation directing the Department of Professional and Financial Regulation to conduct a sunrise review and report back to the Legislature on the benefits and drawbacks of establishing a professional licensing program for genetic counselors in the State. In conducting this evaluation, the department should examine not only the statutory sunrise review criteria set forth in 32 M.R.S. §60-J but also the impact licensure may have on insurance coverage, the availability of genetic counseling services to Maine patients across the State and the quality of genetic counseling services in the State.</p>
<p>Genetic privacy and discrimination</p>	<p>I. The State should make every effort possible to avoid engaging in activities similar to the historical wrongs that the State perpetrated on Malaga Island as well as the historical wrongs committed during the eugenics movement.</p> <p>J. The Legislature should reconsider whether to adopt a state law prohibiting discrimination based on genetic information in coverage and premium-setting decisions by insurers that issue life, disability, long-term care and related types of insurance.</p>



State of Maine
130th Legislature, Second Regular Session

**Blue Ribbon Commission To
Study Emergency Medical Services
in the State**

December 2022

Office of Policy and Legal Analysis



**STATE OF MAINE
130th LEGISLATURE
SECOND REGULAR SESSION**

**Blue Ribbon Commission To Study
Emergency Medical Services in the State**

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Executive Summary

The Blue Ribbon Commission To Study Emergency Medical Services in the State, referred to in this report as the “commission,” was established by Public Law 2021, chapter 749 (Appendix A).¹ Pursuant to the public law, the commission consisted of the following 17 members: two members of the Senate, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature; two members who are employed or volunteer in the field of emergency medical services, including one member who represents a community of 10,000 residents or more and one member who represents a community of fewer than 10,000 residents; one member who represents a statewide association of emergency medical services providers; one member who represents a private, for-profit ambulance service; one member who represents a statewide association of municipalities; four members of the House of Representatives, including 2 members of the party holding the largest number of seats in the Legislature and 2 members of the party holding the 2nd largest number of seats in the Legislature; one member who represents a tribal emergency medical service; one member who represents a volunteer emergency medical service; one member who represents a county government; one member who represents a statewide association of hospitals; the Commissioner of Health and Human Services or the commissioner's designee; and the Director of Maine Emergency Medical Services within the Department of Public Safety or the director's designee.

A list of commission members may be found in Appendix B.

The duties of the commission are set forth in Public Law 2021, chapter 749 (Appendix A) and charge the commission to: examine and make recommendations on the structure, support and delivery of emergency medical services in the State; and maintain communication and coordinate with Maine Emergency Medical Services as defined in the Maine Revised Statutes, Title 32, section 83, subsection 16-A so that Maine Emergency Medical Services is informed of the work of the commission and the commission is informed of the strategic planning work of Maine Emergency Medical Services. The commission was charged with looking at all aspects of emergency medical services, including but not limited to workforce development, training, compensation, retention, costs, reimbursement rates, organization and local and state support.

Over the course of six meetings, the commission developed the following findings and recommendations:

Funding

Finding A-1: Recognizing that EMS reimbursements are not keeping pace with the cost of providing services and that current subsidies are increasingly insufficient to fund the gap between those figures, the commission finds that, in addition to existing subsidies, there is a need for \$70 million in funding a year for the next 5 years to support transporting EMS services in the State.

¹ Public Law 2021, chapter 749 also amends the Maine Emergency Medical Services Act of 1982 by including a legislative finding that emergency medical services provided by an ambulance service are essential services.

Recommendation A-1: The Legislature should fund the delivery of EMS in Maine by appropriating \$70 million per year for the next five years from the General Fund to support existing transporting EMS services, with such appropriation amount to be reduced to the maximum extent possible through the utilization of public and private Medicaid match programs.

Recommendation A-2: The Legislature should initially allocate \$25 million of that \$70 million appropriation to specifically target transporting EMS services at immediate risk of failing and leaving their service area without access to adequate EMS.

Recommendation A-3: The Legislature should further fund the delivery of EMS in Maine by appropriating \$6 million per year for the next five years from the General Fund for non-transporting emergency medical services.

Workforce Development, Education and Training

Recommendation B-1: The Legislature should explore options for providing staff of non-municipal, nonprofit licensed EMS services access to the Maine State Retirement System and to State of Maine healthcare benefits.

Recommendation B-2: The Legislature should fully fund the Length of Service Award Program.

Recommendation B-3: The Legislature should direct Maine EMS, the Maine Community College System, and University of Maine System to convene a stakeholder work group to explore EMS career pathways and educational opportunities in the State.

Community Paramedicine

Recommendation C-1: To facilitate the growth of community paramedicine programs in Maine, the Legislature should explore options for addressing a potential disparity created by the statutory definition and licensure requirements of home health care providers and community paramedic requirements.

Continued Study of Emergency Medical Services in the State

Recommendation D-1: During the 131st Legislature, the Legislature should reestablish the Blue Ribbon Commission To Study Emergency Medical Services in the State.



State of Maine
130th Legislature, Second Regular Session

**Committee To Ensure Constitutionally
Adequate Contact with Counsel**

December 2022

Office of Policy and Legal Analysis



**STATE OF MAINE
130th LEGISLATURE
SECOND REGULAR SESSION**

Committee To Ensure Constitutionally Adequate Contact with Counsel

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Executive Summary

Both the United States Constitution and the Maine Constitution provide that criminal defendants have the right to counsel. For clients who are not held in custody or released on bail pending the outcome of their cases, confidential communication with their attorneys is a matter of simply picking up the phone or visiting the attorney's office. However, individuals who are held in custody pending arraignment or disposition of a criminal case or who are serving a sentence in a correctional facility rely on a series of administrative processes to ensure that their communications with their attorneys remain confidential and are not overheard. Recently, local news stories have been published detailing instances in which attorney-client calls have been overheard by corrections workers or the prosecution.

Concern over the extent of these encroachments of the attorney-client privilege prompted the 130th Maine legislature to consider LD 1946, *An Act to Ensure Constitutionally Adequate Contact with Counsel*. The Judiciary Committee voted in favor of an amended version of the bill, Resolve 2021, c. 182, which established the *Committee to Ensure Constitutionally Adequate Contact with Counsel*.

The resolve required that the membership of the committee include the following:

1. Two members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;
2. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;
3. The Commissioner of the Department of Corrections or the commissioner's designee;
4. The Attorney General or the Attorney General's designee;
5. The Commissioner of the Department of Public Safety or the commissioner's designee;
6. The Executive Director of the Maine Commission on Indigent Legal Services or the executive director's designee;
7. The president of a statewide association of sheriffs or the president's designee;
8. The president of a statewide association of criminal defense lawyers or the president's designee;
9. The president of a statewide association of prosecutors or the president's designee;

10. A representative of a civil rights organization whose primary mission includes the advancement of racial justice, appointed by the President of the Senate;
11. A representative of a civil liberties organization whose primary mission is the protection of civil liberties, appointed by the Speaker of the House;
12. A representative of a statewide prisoners' rights organization, appointed by the President of the Senate; and
13. A representative of a statewide organization whose mission includes advocating for victims and survivors of domestic violence, appointed by the Speaker of the House

A list of members and the position they were appointed to fill is included as Appendix B.

The duties of the committee were established by the resolve as follows:

1. Review the federal and state constitutional and statutory requirements concerning adequate communications with counsel for those involved in the criminal justice system;
2. Review recent policies and practices that have resulted in reported violations of the requirements in the State;
3. Review how other jurisdictions ensure confidential communications by telephone, video or electronic communication or in person between counsel and criminal defendants who are incarcerated or detained or in court facilities for court proceedings;
4. Review how other jurisdictions ensure opportunities for document review by incarcerated persons without interception, monitoring, copying, redaction or other action or review of documents by anyone acting on behalf of a correctional facility, a jail or the State;
5. Review remedies used by other jurisdictions when the constitutional and statutory requirements are not met, including, but not limited to, exclusion of evidence, disqualification to participate in prosecution, licensure discipline and expanded opportunities for post-conviction review; and
6. Develop recommendations to implement in this State to ensure that residents of the Maine Department of Corrections' correctional and detention facilities, persons who are incarcerated in county jails and other county correctional facilities and criminal defendants in court facilities have constitutionally adequate contact with counsel.

The resolve also directs the committee to submit to the Joint Standing Committee on Judiciary by November 2, 2022, a report that includes a summary of the activities and recommendations of

the committee, including suggested legislation, for presentation to the First Regular Session of the 131st Legislature.

The committee met five times in person, with remote participation available through Zoom for committee members and persons invited to present information to the committee. Members of the public and interested parties were able to watch and listen to the meetings in person and electronically. The committee's website, maintained by the Office of Policy and Legal Analysis, includes all the meeting dates, meeting materials, and audio and video links:

<https://legislature.maine.gov/constitutionally-adequate-contact-with-counsel-committee>.

All of the written materials presented to or distributed to the committee have also been posted on the committee's webpage, according to the meeting date, at:

<https://legislature.maine.gov/constitutionally-adequate-contact-with-counsel-committee>.

Recommendations

The committee, after five meetings, numerous presentations, testimony and serious discussion, makes the following recommendations.¹

A. Recommendations related to the establishment of consistent standards

Recommendation #1

Direct the County Corrections Professional Standards Council to convene meetings of State, county and municipal law enforcement agencies, jails, the Maine Judicial Branch, the Department of Corrections, the Maine Sheriff's Association, the Office of the Attorney General, the district attorney offices, the Maine Association of Criminal Defense Lawyers and the Maine Commission on Indigent Legal Services to develop a consistent set of policies and procedures to be implemented by all law enforcement agencies, district attorney offices, jails and correctional facilities that acknowledge that attorney-client communications are absolutely confidential and that clearly describe the following:

- A. The process for protecting and ensuring confidential attorney-client communications;
- B. The policies to be followed in the event there is a breach of confidentiality; and
- C. The methods by which attorneys and clients will identify confidential channels for communication and the methods by which incarcerated persons will be provided with information regarding their right to confidential attorney-client communications.

Recommendation #2

Require that all State, county and municipal law enforcement agencies, jails, the Department of Corrections, the Office of the Attorney General and district attorney offices adopt policies and

¹ The term "jails" as used in this report refers to municipal and county jails. While these facilities are administered at the local level, the Maine Department of Corrections establishes minimum jail standards. See the Department's *Detention and Correctional Standards for Maine Counties and Municipalities* (August 2020), available online at <https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/MAINE%20STANDARDS%20FOR%20COUNTY%20AND%20MUNICIPAL%20DETENTION%20FACILITIES.pdf>.

procedures, as applicable to their respective offices, that ensure the absolute confidentiality of attorney-client communications.

B. Recommendations related to training

Recommendation #3

Direct the Board of Trustees of the Maine Criminal Justice Academy to amend the curriculum of the Basic Law Enforcement training and Basic Correctional Officer training to include information related to the confidentiality of attorney-client communications and to the protection of those communications.

Recommendation #4

Any policy relating to protecting confidential communications between attorneys and clients adopted by the Office of the Attorney General's office must include training for any law enforcement officer who, as part of a criminal investigation, may inadvertently hear privileged communications. The training must clearly outline the process for protecting confidential attorney-client communications as well as the policies to be followed in the event there is a breach of confidentiality.

Recommendation #5

Amend Title 25, Section 2802 of the Maine Revised Statutes to require that the Board of Trustees of the Maine Criminal Justice Academy be increased from 18 to 19 by adding a seat that is designated for an attorney who represents defendants in criminal cases.

C. Recommendations related to registration of attorney phone numbers

Recommendation #6 (divided)

Majority recommendation: Direct the Maine Commission on Indigent Legal Services or its successor agency to develop and maintain a registry of the telephone numbers and other contact information given to them by attorneys providing legal services to persons who are incarcerated. The Maine Commission on Indigent Legal Services must provide the registry information to sheriffs' offices and to the Department of Corrections weekly. The sheriffs' offices and the Department of Corrections are deemed to be on notice on the Monday following transmission of the information.

Designate the attorney names, phone numbers and contact information on the registry as confidential for purposes of the public records law.

Minority recommendation: Direct the Maine Commission on Indigent Legal Services to develop and maintain an additional registry of the telephone numbers and other contact information given to them by attorneys providing legal services to persons who are incarcerated. The Maine Commission on Indigent Legal Services must, on a weekly basis, provide the registry information to the county jails and to the Department of Corrections.

Designate the attorney names, phone numbers and contact information on the registry as confidential for purposes of the public records law.

Recommendation #7

Direct the Department of Corrections and the jails to develop and maintain systems and processes for registering the names, telephone numbers and contact information of attorneys who provide legal services to persons who are incarcerated in order to protect the confidentiality of attorney-client communications.

Recommendation #8

Direct the Department of Corrections to adopt rules requiring correctional facilities to proactively confirm on a timely basis the registration of attorney telephone numbers and other contact information protected from monitoring for attorney-client confidentiality purposes and to provide confirmation of registration at the request of the incarcerated person or the attorney.

Recommendation #9

Direct the Department of Corrections to amend the standards for jails to require jails to proactively confirm on a timely basis the registration of attorney telephone numbers and other contact information protected from monitoring for attorney-client confidentiality purposes and to provide confirmation of registration at the request of the attorney or an incarcerated person.

D. Recommendations related to physical facilities and space

Recommendation #10 (divided)

Majority recommendation: Require that the Department of Corrections and sheriffs ensure access on a timely basis to private space in correctional facilities and jails for attorney-client meetings and for the review and exchange of case materials.

Minority recommendation: Direct the Department of Corrections and sheriffs to work to ensure access on a timely basis to private space in correctional facilities and jails for attorney-client meetings and for the review and exchange of case materials.

Recommendation #11 (divided)

Majority recommendation: Require that by 18 months after the effective date of legislation, the Department of Corrections and sheriffs ensure that incarcerated persons have private and secure space available for the storage and viewing of case materials, including audio visual materials.

Minority recommendation: Direct the County Corrections Professional Standards Committee to work with county jails to develop private and secure space for the storage and viewing of case materials, including audio visual materials for incarcerated persons. Additionally, direct the Department of Corrections to work to develop within all of their correctional facilities private and secure space for the storage and viewing of case materials, including audiovisual materials for incarcerated persons.

Recommendation #12

Direct the Maine Judicial Branch to report by January 1, 2024, to the joint standing committees having jurisdiction over criminal justice matters and judiciary matters on the availability of space in public areas of courthouses and in secure holding areas of courthouses for confidential attorney-client communications, including space for the review of written, video and audio

materials related to the criminal case. The report must include an assessment of each courthouse and, to the extent that space is inadequate for confidential attorney-client communications, a plan for the development of adequate space.

E. Recommendations related to remedies and consequences of breach

Although mutually exclusive, a majority of members voted in favor of the following two recommendations for potential remedies to address improper access to confidential attorney-client communication:

Recommendation #13²

Provide by law that, if a defense counsel or a defendant or a petitioner for post-conviction review can show actual or constructive notice to the State of an attorney's telephone number or address if there is a recording or interception of a communication, then the context and contents of that communication are categorically excluded from use or mention at trial and any person who accesses, monitors, records, copies, transmits or receives any copy of that communication is categorically disqualified from participating in the related investigation or trial. If counsel cannot show actual or constructive notice to the State, then the existing structure of laws and remedies applies.

Recommendation #14

Direct the joint standing committee having jurisdiction over judiciary matters to consider amending Title 15, section 712(2) and (3), which generally provide that investigate officers, Department of Corrections employees and jail employees are not violating state laws governing the interception of wire and oral communications if they intercept communications involving a person residing in a correctional facility or jail provided certain notice requirements are met, to clarify that communications between incarcerated person and their attorneys are nevertheless confidential.

Suggested draft legislation incorporating those recommendations supported by a majority of committee members, except recommendation #14, which does not require legislative language, has been included in Appendix A.

² Recommendation #13 and Recommendation #14 are presented separately rather than as majority or minority reports because some members voted in favor of both, but with an expressed preference for Recommendation #13. See the Recommendations section for vote tallies.

Partial



State of Maine
130th Legislature, Second Regular Session

**Commission To Study the
Role of Water as a Resource
in the State of Maine**

December 2022

Office of Policy and Legal Analysis



**STATE OF MAINE
130th LEGISLATURE
SECOND REGULAR SESSION**

**COMMISSION TO STUDY THE ROLE
OF WATER AS A RESOURCE
IN THE STATE OF MAINE**

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Executive Summary

Through the passage of Resolve 2021, Chapter 85, the 130th Maine Legislature established the Commission To Examine the Role of Water as a Resource in the State of Maine, referred to in this report as the “commission.”¹ The resolve directed the commission to study the role of water resources in the State and the nature and extent of infrastructure involved in the use and delivery of water resources including:

- The extent of water resources available in the State;
- Legal principles regarding the ownership of water resources in the State;
- The extent to which water resources will be needed in the State and nation in the future for household, government, business, commercial and other purposes;
- The quality of available water resources and the need for measures to protect water quality;
- The extent of transportation of water within the State and exportation of water from the State;
- The sustainability of aquifers within the State;
- The nature and use of natural resource extraction taxes in other states and the advantages and disadvantages of enacted natural resource extraction taxes in the State; and
- The relationship between water resources and climate change in the State, including an analysis of what actions other states are taking on this issue.

The commission was charged with developing recommendations to ensure that there is adequate clean, safe and accessible drinking water for the State's residents and to meet the needs of commercial and business interests now and in the future; to identify the need for additional state resources to implement its recommendations; and to make a recommendation regarding the positive and negative aspects of a tax on water extraction.

The sixteen commission members appointed to examine these issues brought a broad range of experience to the table.² Over the course of five meetings, the commission solicited, received and discussed a substantial amount of information relevant to its charge as set forth in its authorizing legislation.³

Based on the information collected by the commission and following discussion and deliberation by commission members, the commission developed the following recommendations for consideration by the 131st Legislature:

¹ See Appendix A for a copy of the resolve.

² See Appendix B for a list of appointed commission members.

³ See Part III of this report for a summary of the commission process.

1. The Legislature should establish a new Commission To Study the Role of Water as a Resource in the State of Maine, with a more focused scope of study, to address the unresolved work of this commission;
2. The Legislature should amend the Water Resources Planning Committee statute in Title 5, section 6401 to:
 - A. Include among its duties: (1) identification of measures to promote public access to information about Maine’s water resources, including, but not limited to, measures to centralize within a single state agency all relevant data on water use and water resources that is currently collected by state, federal and other entities; and (2) identification of measures to enhance or supplement state monitoring and data collection regarding water use and water resources, the analysis of that data and, where necessary, funding opportunities to support those measures; and
 - B. Require annual reporting, including any proposals for necessary legislation, to the Legislature, with authority to certain legislative committees to propose legislation related to the report;
3. The Legislature should amend the Maine Agricultural Water Management Board statute in Title 7, section 352 to:
 - A. Include among its duties identification of measures to enhance drought preparedness and drought resilience by agricultural producers, including, but not limited to, improved water capture and storage measures, enhanced irrigation opportunities and identification of low-flow areas and low-flow occurrences and development of a notification system to producers located in those areas; and
 - B. Require annual reporting, including any proposals for necessary legislation, to the Legislature, with authority to certain legislative committees to propose legislation related to the report;
4. The Legislature should further study the legal status of groundwater rights and ownership in Maine, including, but not limited to, further review of the Maine Supreme Judicial Court’s 1999 opinion in *Maddocks v. Giles* and the approaches to this issue taken by other states; and
5. The Legislature should consider the enactment of measures that would require testing and reporting on the levels of perfluoroalkyl and polyfluoroalkyl substance or PFAS contaminants in water extracted and used for commercial bottling purposes.

Further information on these recommendations, including a summary of commission member votes on each recommendation, is found in Part IV of this report. Draft legislation incorporating a number of the above recommendations is found in Appendices C and D.

* Partial *



State of Maine
130th Legislature, Second Regular Session

**Task Force to Study the Process for
Bringing Criminal Cases in Situations
of Violence Against Health Care Workers**

December 2022

Office of Policy and Legal Analysis



**STATE OF MAINE
130th LEGISLATURE
SECOND REGULAR SESSION**

**Task Force to Study the Process for Bringing Criminal Cases in Situations
of Violence Against Health Care Workers**

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Executive Summary

The Task Force to Study the Process for Bringing Criminal Cases in Situations of Violence Against Healthcare Workers (the task force) was established by Resolve 2021, chapter 173 in response to reports that health care workers are increasingly the victims of violent incidents in the workplace perpetrated by patients or family members. The duty of the task force, as established in the resolve, was to review the process by which criminal cases may be brought related to incidents of violence in hospitals and other health care facilities and settings, in particular, incidents of violence involving patients or individuals related to patients assaulting hospital or medical staff. The task force recognizes that many of the perpetrators of violence against health care workers cannot be charged with a crime due to the absence of the state of mind necessary for criminal prosecution. There is no intent to criminalize behaviors that are driven by a medical condition that prevents comprehension.

The task force consisted of 13 members, four appointed by President of the Senate, five appointed by the Speaker of the House and four appointed by the Chief Justice of the Supreme Judicial Court. The task force held four meetings in the 2022 interim on the following dates: August 3rd, September 13th, September 27th, and October 13th. The meetings were hybrid meetings with some members attending in-person and others using Zoom. The meetings were open to the public for in-person attendance or viewing through the legislative live stream. Public testimony was accepted at the September 27th meeting and accepted, in writing, at any time. All the materials are on the task force website and videos of the meetings are available on the legislature's website.

Pursuant to the resolve, this report, with its findings, recommendations and suggested legislation, is provided to the Joint Standing Committee on Criminal Justice and Public Safety. The task force agreed to also share this report with the Joint Standing Committee on Health and Human Services as a number of the recommendations relate to health and human services even though that committee lacks authority to report out legislation pursuant to the study. The task force presents the following unanimous recommendations.

Criminal Code

Maine's criminal code, Title 17-A §752-C, includes an enhanced penalty for assault of an "emergency medical care provider" when that person is "providing emergency medical care". The task force determined that the scope is too limited to be an effective deterrent to violence against health care workers.

Recommendation: Amend Title 17-A to include the enhanced penalty for physical assault to any person working in a hospital emergency department regardless of whether the person is providing emergency care or is an emergency medical care provider.

Prosecutors, in certain circumstances, can choose to elevate a crime so that a conviction results in a more serious penalty. The statute specifically lists the chapters and sections of the criminal code that may be elevated.

Recommendation: Amend 17-A MRSA §1604, sub-§5 to allow the penalty for conviction under the new crime of physical assault on a person working in a hospital emergency department to be elevated.

The report includes suggested legislation to implement these recommendations.

Patients Awaiting Placement

The task force identified the shortage of services, both residential and community, and in all areas including long term care, intellectual disability and autism, and behavioral health, as a primary root cause of the number of individuals stuck in hospital emergency departments. These individuals remain in the emergency department after they no longer need emergency medical treatment and lack the appropriate therapeutic environment for effective treatment. Such extended stays in emergency departments contribute to incidents of violence against hospital personnel. Although violence as a response is not appropriate or justified, it is nevertheless partly a response to the increasing frustration and shortages of services. Placements for children with behavioral health diagnoses in residential facilities with specialized services, can be particularly difficult to locate. The Department of Health and Human Services has been working on developing a secure residential treatment facility for children (Qualified Residential Treatment Programs) and the task force indicated that establishing such a facility is a high priority.

Recommendation: That the Department of Health and Human Services increase the supply of appropriate placements, both residential and community, including secure facilities.

MaineCare Reimbursement

The Department of Health and Human Services has been establishing and undergoing a rate system review process for MaineCare reimbursement rates to allow for regular updating of rates across the spectrum of MaineCare. The task force is concerned that the process does not take into account some aspects of rates that have contributed to the difficulty of placing patients/residents with co-occurring conditions.

Recommendation: That the Department of Health and Human Services broaden its MaineCare rate review process to include the following: increased or new reimbursement for bed hold days for residential facilities; days awaiting placement payments to hospitals for all MaineCare eligible individuals; behavioral add-ons; and security costs.

The task force sent a letter to the Department of Health and Human Services requesting consideration of this recommendation.