

March 21, 2019

## Legislature to hear chemical regulation bill

### **Maine already regulates chemicals under the Toxic Use Reduction Act and the Kid Safe Products Act**

On Monday, March 25, the Labor and Housing committee will hold a public hearing on **LD 1017**, *An Act Regarding the Elimination of Highly Toxic and Hazardous Chemicals in the Workplace*, sponsored by Sen. Brownie Carson, D-Cumberland. The Maine State Chamber of Commerce strongly opposes LD 1017 due to its duplicative nature of chemical regulation law that already exists in Maine.

Maine is one of the few states that has its own chemical regulation law beyond the federal law for both the workplace and consumers already in place, and it is one of the most stringent in the country. Current law, known as the Toxic Use Reduction Act (TURA) and the Kid Safe Products Act (KSPA), were both passed or updated in the 124th Legislature and are housed at the Department of Environmental Protection (DEP). Both laws have been updated and been through rulemaking since their passage. Both TURA and KSPA were crafted to protect Maine families, kids, and workers while also delivering regulatory certainty to Maine's business community.

The current laws have been both

endorsed by Maine's environmental and business communities – a rarity that you will not find in most states. Both the TURA Rules (Ch. 81 and Ch. 82) and the KSPA rules (Title 38, Ch. 16-D) are available online on the Maine DEP website ([www.maine.gov/dep](http://www.maine.gov/dep)) so you can see for yourself the protections in place in Maine law. They are comprehensive in nature and protect the citizens of Maine.

On top of these protections, there are also the federal requirements from EPA, FDA, OSHA, and Transportation. Maine workers are better protected than any others in the world. In addition to these, congress recently passed the Toxic Substance Control Act, which updated federal EPA chemical laws for first time since 1973. Based on all the above, the Maine State Chamber of Commerce does not believe LD 1017 is necessary, and if enacted, will place Maine businesses at a competitive disadvantage to their competitors, internally and externally, in other states.

If you have any questions about LD 1017, please contact Ben Gilman by calling (207) 623-4568, ext. 111, or by emailing [bgilman@mainechamber.org](mailto:bgilman@mainechamber.org). □

## Chamber opposes bill that would tax water extraction

### **Bill will cripple jobs and investment for Poland Spring Water**

The Maine State Chamber testified in strong opposition to **LD 1074**, *An Act to Establish a Tax on Water Extracted for Bottling in Order to Secure the Economic Future of Rural Maine*, on Tuesday, March 19 before the Joint Standing Committee on Taxation.

The bill proposes to place a 12-cent per gallon tax on water extracted for commercial bottling purposes. This is not the first time a bill like this is before the Legislature.

The public hearing on Tuesday was packed. There were about 30 people testifying in opposition to the bill from various walks of life, including employees, vendors and suppliers, and trade associations around the state. There were only about five folks testifying in support of the bill.

The Maine State Chamber testified that LD 1074 was nothing more than a "jobs killer" bill. Caprara said that, given Maine's unlimited water resources, we should be encouraging its responsible use as a way to create jobs for Maine citizens and not discourage the industry by taxing the regulated use of a renewable resource.

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**About the Maine State Chamber of Commerce:** Since 1889, the Maine State Chamber has been fighting to lower your cost of doing business. Through our Grassroots Action Network and OneVoice program, we work with a network of approximately 5,000 companies statewide who see the value in such a service and provide the financial support that keeps our access, advocacy, and assistance efforts going strong. As Maine's Chamber, we make sure that the business environment of the state continues to thrive. The Maine State Chamber of Commerce advocates on behalf of their interests before the legislature and regulatory agencies and through conferences, seminars, and affiliated programs.

## **Labor Committee Update...**

# **— Labor and Housing committee takes final action on two bills of interest**

In a work session on Wednesday, March 20, the Joint Standing Committee on Labor and Housing took final committee action on two bills that had been closely watched by the Maine State Chamber.

### **LD 201, Call Centers...**

In a divided, party-line committee vote, the majority of the committee approved an amended version of **LD 201, An Act to Protect Jobs in the State by Requiring Advance Notice of Closure of Call Centers**, sponsored by Rep. Michelle Dunphy (D-Old Town). The amended version of the bill, while still somewhat problematic, is a far better outcome than the original proposal.

As drafted, LD 201 would have would require the commissioner of the Department of Labor (DOL) to compile a list of both stand-alone call centers and employers who have at least 30% of their call center operations located here, and have relocated from Maine to a foreign country. If a company appears on the list, it is then banned from accessing state tax incentives, grants, or loans for a period of five years. There is also a claw-back provision requiring affected call center employers to repay an amortized amount of any such received assistance to the state. It mandated that any state agency's call center services be provided in-state. Lastly, it required a notification provision similar to the Worker Adjustment and Retraining Notification (WARN) Act, insisting that any currently operating call center provides the state with at least 120 days' notice before relocation or it could face a **\$10,000 per day** fine.

As amended, the majority report eliminates all references to "call centers." Instead, the bill extends the state version of the WARN notice provisions to all large employers (defined as more than 100 employees) to provide notice to

workers, the state, and municipalities 90 days in advance of a mass layoff or facility closure. Failure to provide timely notice results in a **\$500 per day** fine.

Again, while the amended version of LD 201 is better than the original, it still requires that employers covered under both the federal and state WARN notices comply with two different reporting standards – 60 days in advance for the federal law and 90 days for the revised state law – or face fines. For this reason, the Republicans on the committee voted "ought not to pass."

### **LD 857, wage and hour fines...**

In another party-line vote, Democrats approved a provision that will significantly increase the fines that can be levied against an employer for a violation of Maine's wage and hour laws, *even if the violation was the result of a honest mistake by the business.*

**LD 857, An Act to Increase Accountability for Wage Violations**, sponsored by Rep. Ben Collings (D-Portland), was actually submitted in 2017 during the 128th Legislature. The committee rejected increasing fines and instead directed the Maine Department of Labor to seek data on the prevalence of violations and the resulting wage losses.

As drafted, the bill increases the fine for a wage violation to an initial \$500 from the current \$100, and authorized a fine of \$2,500 per additional violation, allowed a private right of action, and allowed an impacted worker earning minimum wage to be eligible for triple damages and attorney's fees.

At the bill's public hearing, the Maine State Chamber opposed the bill for a number of reasons. The bill doesn't delineate between a mistake and an act of willful maliciousness. Instead, the bill

***Continued on Page 4...***

## **Tax committee tables bill to increase in corporate income tax**

On Thursday, March 21, the Joint Standing Committee on Taxation voted to table **LD 903**, *An Act to Improve Corporate Tax Fairness by Amending the Rates Imposed on Corporate Income*, sponsored by Rep. Scott Cuddy, D-Winterport. The Maine State Chamber testified in opposition to the bill at the March 13 public hearing. The bill would establish two new tax brackets and three new rates for corporate income taxes. Corporate income between \$2 million and \$3 million would be taxed at 8.5%, and income between \$3 million and \$3.5 million would be taxed at 8.75%. Currently any corporate income below \$3.5 million is taxed at 8.33%. In addition, the bill proposes to raise the top rate to 9% from 8.93%.

According to the Tax Foundation, Maine would be one of only seven states in the nation to have corporate income tax rates 9% or above. Maine's current top corporate income tax is already higher than the top rate in our neighboring New England states (CT, NH, VT, RI, and MA).

During the past several years, the Maine Legislature took several steps to decrease the overall top income tax rates for individuals. Even though the top corporate income tax rate did not decrease, there were several attempts to do just that. The increases will very likely hit small businesses, as well as C-corps, which are often how small businesses operate.

The corporate income tax would no doubt make Maine less attractive, less competitive, and would impact future investments. Paying higher taxes can impact the amount a business owner chooses to reinvest in their businesses in terms of capital and personnel. Failure to reinvest can have a direct impact on growing the economy and job creation.

If you have any questions, please contact Linda Caprara by calling (207) 623-4568, ext. 106, or by emailing [lcaprara@mainechamber.org](mailto:lcaprara@mainechamber.org). □

## **Tax committee votes in favor of restoring the R&D super credit**

At its March 21 work session, the Joint Standing Committee on Taxation voted unanimously "ought to pass as amended" on **LD 977**, *An Act to Restore the Super Credit for Substantially Increased Research and Development*, sponsored by Rep. Allison Hepler, D-Woolwich. Linda Caprara testified on behalf of the Chamber in support of LD 977 at the March 13 public hearing.

Rep. Ryan Tipping, the committee's house chair, will work on the amendment, which will incorporate changes to the bill approved by the committee, and bring it back to the committee for review. Some of the changes the committee discussed were instituting a sunset date, retroactivity, and a review.

The bill would reinstate the super credit for substantially-increased research and development, which was eliminated in the state budget a few years ago. Caprara testified that research and development is extremely important to both existing companies and to start-ups in Maine. The bill would allow Maine businesses to compete globally as competition is fierce. Because technology changes continually, and it's absolutely necessary for companies to stay ahead of the competition at all times. Innovation and continued R&D investment helps to ensure a company will stay one step ahead of its competition. The Maine State Chamber testified that the super tax credit would encourage Maine companies to continually invest in R&D to improve their position in the global marketplace and to grow their businesses in Maine, creating direct and indirect jobs. If you have any questions, please contact Linda Caprara by calling (207) 623-4568, ext. 106, or by emailing [lcaprara@mainechamber.org](mailto:lcaprara@mainechamber.org). □

## **UMaine Farmington receives \$3.2M donation to fund student retention initiatives**

The University of Maine at Farmington has been given \$3.225 million by two anonymous donors that will be used to create a fund that will support a number of initiatives designed to keep students in school and stay on track to graduate.

The donation, which the two donors made together, is the second largest the school has ever received, according to a news release Thursday. The largest was \$5 million in 2002 to build the Emery Arts Center, which opened in 2011.

The latest donation will be used to create Catalyst Fund at UMF, which will implement and expand initiatives that bolster financial aid, stimulate student success, advance graduate education programs and more.

Interim President Eric Brown called the donation "transformative" in a Thursday news release.

"[The] gift provides us with an infusion of vital resources for debt-relieving scholarships, our successful graduate school offerings and programs that promote student persistence, he said. "By making UMF a philanthropic priority, the donors have signaled their strong belief in our values, our mission, and our institutional goals. We are incredibly fortunate to have their leadership and this magnitude of support."

### **Keeping students on track...**

Jared Cash, vice president of enrollment and external affairs, said that all of the student-focused initiatives that will receive investments through the fund will help students "pursue their intellectual

***Continued on Page 5...***

## Water Extraction...

(Continued from Page 1...)

The proposed 12-cent per gallon tax would place Poland Spring at a huge competitive disadvantage with its competitors in other states by slapping Poland Spring with significant unnecessary costs that they will have to somehow absorb in its operations – costs that competitors won't have to pay. Caprara testified that Maine's groundwater sources are sustainable and renewable, and that Maine ought to be proud to have an entire industry based on such resources. The Poland Spring Water brand, she said, is known worldwide for its water quality, and if this bill passes, it will have a chilling effect on future investment in Maine and no doubt jobs as well.

The work session has not yet been scheduled. If you have any questions, please contact Linda Caprara by calling (207) 623-4568, ext. 106, or by emailing [lcaprara@mainechamber.org](mailto:lcaprara@mainechamber.org). □

## Labor Committee...

(Continued from Page 2...)

simply exposes a business to a significant fine, for potentially an honest mistake.

In addition, we expressed concern that we were unclear how the “subsequent violation” section would work. For instance, if every paycheck of every employee in the company contained an error of withholding, is each individual mistake subject to the \$500 fine, and then the \$2,500 fine?

In their majority report, Democrats eliminated the private right of action section, in part because that right already exists in a different section of Title 26. They retained the increase for the initial violation(s) of \$500 as the original bill proposed, and authorized subsequent violations of not less than an additional \$500, and not more than \$2,500. Finally, they dropped the triple damages section to double damages in the case of a worker earning the minimum wage.

# LEGISLATIVE STRICTLY SOCIAL



**Tues., April 30 ♦ 5:00 to 7:00 p.m.**  
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The Maine State Chamber remains concerned about the unintended consequences with the passage of LD 857. The amended version still doesn't allow for legitimate, honest mistakes, versus willful intent. In fact, the director of the Maine Bureau of Labor Standards indicated that in the event of a mistake in payroll or withholding, *each incidence* (i.e. affected paycheck) would be subject to the \$500 fine. After that, they could also be subject to fines as high as the \$2,500 limit. In addition, a business would be held responsible for the error of another – for instance, in the case of a payroll company. This may be true now, but not at the significantly higher fine level.

As we have discussed with the committee frequently during this session, most small businesses don't have HR departments to handle payroll and deductions. More likely than not, those functions are handled by the owner of the business. We all want workers to get paid everything they are owed, when they are owed it. Wage theft is wrong. Employers

believe that too. And in this employment market, where good, dependable hard-working employees are critical to a business's success (and so hard to find right now), employees are their most valuable resource. Business across this state are not interested in engaging in the kind of egregious behavior this bill seeks to quell and to do so would only result in the loss of this resource. However, the unwillingness to address willful conduct versus honest mistakes, once gain this session places small businesses at risk for higher costs of doing businesses due to significantly higher fines.

Republicans on the committee shared the concerns of small businesses and voted against the “ought to pass” report.

It is expected that both these bills could see the full legislature in the coming weeks. The Maine State Chamber will continue to follow their progress though the system. For additional information or questions, please contact Peter Gore by calling (207) 623-4568, ext. 107, or by emailing [pgore@mainechamber.org](mailto:pgore@mainechamber.org). □

## **UMaine Farmington...** **(Continued from Page 3...)**

interests, achieve their career goals and add to the human capital of the Maine economy.”

“The legacy of the donors’ gift will be increased achievement, well-being and career readiness among our students,” he said.

A major part of the Catalyst Fund will be creation of the Persistence Scholarship Program, which will provide students with a merit scholarship that will help those who are academically on track to graduate in four years.

Beginning in the fall, in addition to their financial aid packages, all full-time students with a 2.75 grade point average in their second, third and fourth years will receive annual scholarships.

The initiative, focused on student success, has been crafted to encourage students to finish in four years, which will help reduce their student debt.

A study released in December found that there is \$6 billion in student debt in Maine, and it has an impact on everything from graduation rates to students being able to buy homes or cars after graduation.

UMF, a four-year liberal arts college, has 1,564 undergraduate students; 81% of them are from Maine.

“Consistent with a national trend, UMF serves a student body that is tuned into affordability and thinking responsibly about how finance a high quality education experience,” Cash said. “Our students who stay on course and graduate in four years are graduating with significantly lower debt levels than peers who remain enrolled five and six years to finish.”

Cash said Friday that UMF’s graduation rates have been trending up for the last three years, while the six-year rate collected by most national data reports has remained more steady.

Some 44.6% of the class of 2018 graduated in four years; 45.2% of the class of 2017 and 37.9% of the class of 2016.

Some 56.4% of the class of 2018 grad-

uated in five years or less, compared with 50.9% of the class of 2017 and 48% of the class of 2016. The university is tied with the University of Maine’s flagship school in Orono of the seven universities in the system for overall graduation rate at 57%.

He said the rates don’t include students who start at UMF and finish at other universities.

In a study done of the 2013 school year, the statewide rate for students at Maine’s eight public four-year colleges, which also includes the Maine Maritime Academy, was 28.3% after four years and 47.8% after six years. At the time of the Chronicle of Higher Education study, Maine was 40th among the 50 states and District of Columbia.

### **Impact will be felt this year...**

Other initiatives that will be supported by the Catalyst Fund include:

- ♦ A designated number of full-time students with unforeseen financial hardship will be eligible to receive an emergency grant to help them remain at UMF and complete their degree. Cash said Friday the one-time emergency grants are for “students who do not have a safety net to dip into when [they have] unforeseen financial hardships.” The grants “help students overcome adversity that jeopardizes their persistence towards graduation.”
- ♦ Expansion of graduate-level professional development, certificate and master’s degree programs that align with UMF’s mission and strengths and speak to Maine’s ongoing need for career-ready, skilled professionals.

Brown said the effects of the donors’ philanthropic leadership will be felt as early as the coming months with Persistence Scholarships awards, as well as plans to increase first-year student enrollment in the University’s Summer Experience, a program that helps students prepare for the transition from high school to college. □

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# Public Hearings

Public hearings are open to everyone. This public hearing schedule is subject to change. Questions may be directed to the Secretary of the Senate's Office at (207) 287-1540. For the most current schedule, please visit <http://legislature.maine.gov/committee/#Committees> or contact the committee clerk.

## Monday, March 25, 2019

### **Appropriations and Financial Affairs** **10:00 a.m.; State House, Room 228**

**LD 1001**, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021 (Rep. Gattine of Westbrook)

### **Education and Cultural Affairs** **10:00 a.m.; Cross Building, Room 208**

**LD 549**, An Act To Promote Academic Achievement through Hunger Relief for Maine Children (Sen. Breen of Cumberland)

### **Labor and Housing**

#### **9:00 a.m.; Cross Building, Room 202**

**LD 317**, An Act To Amend the Laws Governing Appointees to the Maine Labor Relations Board (Rep. Handy of Lewiston)

### **Labor and Housing**

#### **1:00 p.m.; Cross Building, Room 202**

**LD 757**, An Act To Improve Labor Laws for Maine Workers (Rep. Sylvester of Portland)  
**LD 1017**, An Act Regarding the Elimination of Highly Toxic and Hazardous Chemicals in the Workplace (Sen. Carson of Cumberland)  
**LD 1058**, An Act Concerning Liability for Direct Reimbursement of Unemployment Benefits (Rep. Bradstreet of Vassalboro)

## Tuesday, March 26, 2019

### **Appropriations and Financial Affairs** **1:00 p.m.; State House, Room 228**

**LD 1001**, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021 (Rep. Gattine of Westbrook)

### **Innovation, Development, Economic Advancement, and Business**

#### **1:00 p.m.; Cross Building, Room 202**

**LD 1056**, An Act To Update and Amend the Finance Authority of Maine Act (Rep. Fecteau of Biddeford)

**LD 1087**, An Act To Keep Maine Businesses Competitive (Sen. Hamper of Oxford)

## Wednesday, March 27, 2019

### **Appropriations and Financial Affairs** **10:00 a.m.; State House, Room 228**

**LD 1001**, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021 (Rep. Gattine of Westbrook)

### **Education and Cultural Affairs**

#### **1:00 p.m.; Cross Building, Room 208**

**LD 576**, Resolve, Directing the Department of Education To Develop and Implement an Online Learning Platform for Students and Educators (Rep. Brennan of Portland)

### **Energy Utilities and Technology**

#### **9:00 a.m.; Cross Building, Room 211**

**LD 1063**, An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure (Rep. McCreight of Harpswell)  
**LD 1192**, An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way (Sen. Vitelli of Sagadahoc)

### **Energy Utilities and Technology**

#### **1:00 p.m.; Cross Building, Room 211**

**LD 1127**, An Act To Expand Community-based Solar Energy in Maine (Sen. Sanborn of Cumberland)  
**LD 1173**, An Act To Allow the Direct Sale of Electricity (Sen. Woodsome of York)  
**LD 1181**, An Act To Reduce Electricity Costs through Nonwires Alternatives (Rep. Berry of Bowdoinham)

### **Labor and Housing**

#### **1:00 p.m.; Cross Building, Room 202**

**LD 1077**, An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of the Federal Immigration Verification System (Rep. DeVeau of Caribou)

### **State and Local Government**

#### **9:00 a.m.; Cross Building, Room 214**

**LD 1209**, An Act To Require Legislative Hearings on Citizen-initiated Legislation (Rep. Bradstreet of Vassalboro)

### **Taxation**

#### **1:00 p.m.; State House, Room 127**

**LD 65**, An Act To Allow Municipalities To Impose a Seasonal or Year-round Local Option Sales Tax (Rep. Beebe-Center of Rockland)

**LD 156**, An Act To Allow Regional Service Center Municipalities To Assess an Additional One Percent Sales Tax for Infrastructure Costs (Sen. Miramant of Knox)

**LD 609**, An Act To Provide Municipalities Additional Sales Tax Revenue from Lodging Sales (Rep. Terry of Gorham)

**LD 1110**, An Act To Establish a Local Option for Sales Tax (Rep. Gramlich of Old Orchard Beach)

### **Veterans and Legal Affairs**

#### **9:00 a.m.; State House, Room 437**

**LD 1255**, RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require Referenda To Receive 60 Percent of the Vote To Become Law (Rep. Morris of Turner)

## Thursday, March 28, 2019

### **Appropriations and Financial Affairs** **1:00 p.m.; State House, Room 228**

**LD 1001**, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021 (Rep. Gattine of Westbrook)

### **Health Coverage, Insurance, and Financial Services**

#### **1:00 p.m.; Cross Building, Room 220**

**LD 1138**, An Act To Ensure Health Insurance Coverage for Treatment for Childhood Postinfectious Neuroimmune Disorders Including Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome (Rep. Bailey of Saco)  
**LD 1155**, An Act To Protect Patients and the Prudent Layperson Standard (Speaker Gideon of Freeport)

**LD 1197**, An Act To Amend the Law Prohibiting the Denial by Health Insurers of Referrals by Out-of-network Providers (Sen.

**Continued on Page 8...**

## Digest of New Legislation

Maine Chamber staff have studied each of these recently printed bills to assess potential impact on business trends. If you have concerns regarding any bill, please communicate those concerns to a member of our governmental services staff at (207) 623-4568.

**A total of 285 business-related bills have been tracked to date since the session began on January 2, 2019!**

### **EDUCATION**

**LD 1267, *An Act To Allow the Awarding of Graduation Credits by Career and Technical Education Centers and Regions.*** (Sen. Pouliot, R-Kennebec) *Joint Standing Committee on Education and Cultural Affairs.* This bill allows career and technical education centers and regions to award credit toward graduation requirements for courses and programs that are approved by the Commissioner of Education. The commissioner is required to establish the credit to be awarded and the content area toward which the school administrative unit must apply the credit. Finally, the commissioner must adopt routine technical rules that develop a procedure for career and technical education centers and regions to submit courses and programs for approval and criteria in each content area that the course or program must meet to be approved.

**LD 1283, *Resolve, To Advance College Affordability by Convening a Task Force To Recommend a Sustainable Funding Model for Maintaining Maine's Public Higher Education Infrastructure.*** **Emergency** (Rep. Jorgensen, D-Portland) *Joint Standing Committee on Education and Cultural Affairs.* This resolve directs the Chancellor of the University of Maine System to convene a task force, to be named the Task Force To Recommend a Sustainable Funding Model for Maintaining Maine's Public Higher Education Infrastructure, to study how to provide adequate supplemental funding to sustain the State's public higher education infrastructure without burdening students who are residents of the State with unreasonable tuition and fee increases. The task force is directed to consider, but is not limited to considering, infrastructure improvements, health and safety repairs, technology improvements, energy efficiency and equipment upgrades and, when necessary, new con-

struction. The task force is directed to report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs by January 2, 2020. The joint standing committees are authorized to submit legislation to the Second Regular Session of the 129th Legislature.

**LD 1341, *An Act To Provide Flexibility for Efficient and Effective Management of School Management and Leadership Centers.*** (Rep. Kornfield, D-Bangor) *Joint Standing Committee on Education and Cultural Affairs.* This bill amends the Maine Revised Statutes, Title 20-A, chapter 123, regarding school management and leadership centers, and related laws to change the term "school management and leadership center" to the term "regional service center." It amends the law governing the geographic boundaries of centers to remove the requirement that the Commissioner of Education must determine 9 to 12 geographic areas for the establishment of centers with the requirement that the commissioner must determine the geographic areas for the establishment of centers. It also amends the law governing school management and leadership centers to allow a center to contract for leadership services and hire a fiscal agent. It changes the law allowing a center to borrow funds by removing language requiring debts to be repaid within one year and limiting amounts borrowed to 3/4 of a center's annual approved budget. It amends the law governing the withdrawal of a member school administrative unit from a center to replace the requirement that the member school administrative unit must demonstrate there will be no increases in costs or decrease in student programs or services with the requirement that the member school administrative unit must demon-

***Continued on Page 8...***



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**Public Hearings...**  
**(Continued from Page 6...)**

Foley of York)

**Taxation**

**1:00 p.m.; State House, Room 127**

**LD 1069**, An Act To Amend the Tax Expenditure Review Process (Rep. Tipping of Orono)

**LD 1122**, An Act To Expand Tax Increment Financing (Sen. Pouliot of Kennebec)

**LD 1150**, An Act To Amend the Maine Tree Growth Tax Law To Encourage Public Access (Rep. Martin of Eagle Lake)

**Friday, March 29, 2019**

**Environment and Natural Resources**

**10:00 a.m.; Cross Building, Room 216**

**LD 955**, An Act To Prohibit Offshore Oil and Natural Gas Drilling and Exploration (Rep. Devin of Newcastle)

**Monday, April 1, 2019**

**Education and Cultural Affairs**

**1:00 p.m.; Cross Building, Room 208**

**LD 997**, An Act To Promote Social and Emotional Learning and Development for Young Children (Sen. Breen of Cumberland)

**Tuesday, April 2, 2019**

**Appropriations and Financial Affairs**

**1:00 p.m.; State House, Room 228**

**LD 547**, An Act To Authorize a General Fund Bond Issue To Support Maine Aquaculture (Sen. Chipman of Cumberland)

**Wednesday, April 3, 2019**

**Energy Utilities and Technology**

**1:00 p.m.; Cross Building, Room 211**

**LD 1231**, An Act To Fund Energy Efficiency Programs through a Fee on the Sale of Unregulated Heating Fuels (Rep. Kessler of South Portland)

**LD 1248**, Resolve, To Direct the ConnectME Authority To Report on the Progress of the Detailed 2019-2021 Strategic Plan for Broadband Service in Maine (Rep. Morales of South Portland)

**Environment and Natural Resources**

**10:00 a.m.; Cross Building, Room 216**

**LD 401**, An Act To Preserve State Landfill Capacity and Promote Recycling (Rep. Tipping of Orono)

**LD 603**, An Act To Amend the Laws Governing Funding for Landfill Closure Costs

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**New Legislation...**  
**(Continued from Page 7...)**

strate that the withdrawal is in the best interests of the withdrawing school administrative unit and of any of the remaining member school administrative units. It amends the law governing dissolution of centers to replace the requirement that member school administrative units must demonstrate to the Commissioner of Education that there will be no increase in costs or decrease in student programs and services for any of the member school administrative units of a center with the requirement that the school administrative units must demonstrate that it is in the best interests of the member school administrative units to dissolve the center. It amends the law governing application for and approval of a center to replace voter approval with school board approval. It amends the law governing state funding of a center that provides at least 2 different services to its members to include 55% funding support for contracted leadership services and financial software.

**LD 1344, An Act To Improve Nutrition in Maine Schools.** (Rep. Daughtry, D-Brunswick) *Joint Standing Committee on Education and Cultural Affairs.* This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to codify in Maine law the provisions of the federal Healthy, Hunger-Free Kids Act of 2010.

**LD 1347, An Act To Promote High-quality After-school Programs in Public Schools.** (Rep. Beebe-Center, D-Rockland) *Joint Standing Committee on Education and Cultural Affairs.* This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the provisions in law regarding high-quality after-school programs under the Maine Revised Statutes, Title 20-A, chapter 318. Currently, funds to provide high-quality after-school programs are provided by the After-school Program Fund, which receives a substantial amount of funding from the Federal Government that may be terminated or no longer available in the coming years. This bill proposes to seek new funding for the After-school Program Fund and to increase the

quality of the after-school programs, including requiring matching funds from the schools that receive the funds and to make grants from the fund competitive. An after-school program that is a recipient of funding from the fund must have as measurable outcomes for the students academic improvement, social emotional learning and family engagement. Criteria for competitive grants would seek to improve or raise the quality of after-school programs by giving preference to schools that would collaborate with and leverage existing community resources that have demonstrated effectiveness, engage in outreach to children and youth and involve local governments, including parks and recreation departments and other schools.

**ENVIRONMENTAL**

**LD 1017, An Act Regarding the Elimination of Highly Toxic and Hazardous Chemicals in the Workplace.** (Sen. Carson, D-Cumberland) *Joint Standing Committee on Labor and Housing.* This bill proposes to create statutory and regulatory requirements that are designed to prevent harm to employees by substituting for or eliminating highly toxic and hazardous chemicals in the workplace. The bill would:

1. Apply to industries, including, but not limited to, manufacturing, retail and service; automotive; auto body repair; shipbuilding; paper manufacturing; manufacturing of apparel or apparel components; medical equipment; construction; personal care product or feminine product manufacturing; coatings; textiles; lumber; plastics; technology services; and cleaning and janitorial services. The bill would not apply to agricultural employers in the State;
2. Define "highly toxic and hazardous chemical" as a chemical that, based on credible scientific evidence, has a significant potential for harm to human health;
3. Define "priority highly toxic and hazardous chemical" to include a chemical for which there is credible scientific evidence that the chemical is a carcinogen, a mutagen, a reproductive toxin, a developmental toxin, an endocrine disruptor or a neurotox-

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## New Legislation...

(Continued from Page 8...)

- in;
4. Define “safer alternative” as an alternative that, when compared to a highly toxic and hazardous chemical that it could replace, would reduce the potential for harm to human health or that has not been shown to pose the same or greater potential harm to human health as the highly toxic and hazardous chemical;
  5. Require employers in the State to identify and evaluate highly toxic and hazardous chemicals and, if feasible, eliminate those highly toxic and hazardous chemicals or substitute safer alternatives. Specifically, it would require employers to:
    - A. Identify and evaluate highly toxic and hazardous chemicals and eliminate the highly toxic and hazardous chemicals or substitute safer alternatives if feasible;
    - B. Implement a plan for the elimination and substitution of highly toxic and hazardous chemicals in the workplace;
    - C. Consult publicly accessible website lists and online databases that identify highly toxic and hazardous chemicals;
    - D. Consult safety data sheets required by the federal Department of Labor, Occupational Safety and Health Administration to identify highly toxic and hazardous chemicals;
    - E. Consult chemical suppliers and manufacturers to identify highly toxic and hazardous chemicals;
    - F. Consult publicly accessible websites and databases that identify safer alternatives that may be substituted for highly toxic and hazardous chemicals;
    - G. Contact chemical suppliers and manufacturers for possible safer alternatives;
    - H. Identify steps necessary to be followed for the elimination or substitution of a highly toxic and hazardous chemical;
    - I. Decide, with justification, whether substituting a highly toxic and hazardous chemical is feasible for business operations;
  - J. In transitioning from a highly toxic and hazardous chemical to a safer alternative, use a transition team composed of employees and management;
  - K. Together with the transition team, develop a priority ranking for all highly toxic and hazardous chemicals identified for transition to safer alternatives; and,
  - L. Conduct an alternatives analysis of the anticipated difficulty of transitioning to a safer alternative and a financial analysis of costs;
6. Require the Commissioner of Labor to adopt rules and provide guidelines to assist employers in how to identify and evaluate highly toxic and hazardous chemicals and how to determine if safer alternatives exist. Specifically, it would require the commissioner to adopt rules:
    - A. To define terms, including “affected employee,” “alternative chemical,” “alternative chemical work plan” and “chemical”;
    - B. To develop procedures to assist employers in implementing a program for the substitution of highly toxic and hazardous chemicals in the workplace; and,
    - C. Governing the implementation of safer alternatives; discontinuation of safer alternatives, justification and reporting; self-audits by employers; reporting requirements; records retention requirements; access to information, including employee access and access by the State; and provision of annual employee training and informational materials; and,
  7. Require the Commissioner of Labor to:
    - A. Identify publicly accessible website lists of online databases that identify highly toxic and hazardous chemicals;
    - B. Make employers aware that safety data sheets required by the federal Department of Labor, Occupational Safety and Health



- Administration are a source for identifying highly toxic and hazardous chemicals;
- C. Identify publicly accessible websites that identify safer alternatives that may be substituted for highly toxic and hazardous chemicals currently employed in industry and business operations;
  - D. Identify steps required for the elimination or substitution of a highly toxic and hazardous chemical, including the criteria for justification of whether eliminating or substituting for a highly toxic and hazardous chemical is feasible for employers’ business operations; and,
  - E. Enforce the provisions of the law.

**LD 1224, An Act To Authorize General Fund Bond Issues To Address Changes in Sea Level, Geospatial Data Acquisition by Communities and the Increase in Ocean Acidity.** (Rep. Devin, D-Newcastle) *Joint Standing Committee*

**Continued on Page 10...**

**Public Hearings...**  
**(Continued from Page 8...)**

(Sen. Dill of Penobscot)

**LD 988**, An Act To Reduce the Landfilling of Municipal Solid Waste (Sen. Chipman of Cumberland)

**Labor and Housing**

**9:00 a.m.; Cross Building, Room 202**

**LD 1232**, An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment (Rep. Lockman of Bradley)

**LD 1319**, An Act To Prohibit Employer Disciplinary Action against Firefighters and Emergency Medical Services Persons Responding to an Emergency (Rep. Grohoski of Ellsworth)

**LD 1324**, Resolve, To Establish the Committee To Study the Feasibility of Creating Basic Income Security (Sen. Vitelli of Sagadahoc)

**LD 1325**, An Act To Allow Workplace Substance Use Testing for Fentanyl, Hydromorphone, Hydrocodone, Oxycodone and Oxymorphone Use at the Employer's Discretion (Sen. Keim of Oxford)

**Thursday, April 4, 2019**

**Innovation, Development, Economic Advancement, and Business**

**1:00 p.m.; Cross Building, Room 202**

**LD 349**, An Act To Extend the Refundability of the Educational Opportunity Tax Credit to Students in the Behavioral Health Field (Rep. Beebe-Center of Rockland)

**LD 872**, An Act To Forgive Education Debt for Certain Health Care Professionals Who Work in the State (Rep. Mastraccio of Sanford)

**Health Coverage, Insurance, and Financial Services**

**1:00 p.m.; Cross Building, Room 220**

**LD 815**, An Act To Regulate the Issuance of Short-term, Limited-duration Health Insurance Policies in the State (Pres. Jackson of Aroostook)

**LD 1243**, An Act To Assist Small Businesses in Providing Health Care for Their Employees (Rep. Morales of South Portland)

**LD 1260**, An Act Regarding Short-term, Limited-duration Health Plans (Rep. Foley of Biddeford)

**LD 1263**, An Act Regarding Telehealth (Sen. Gratwick of Penobscot)

**LD 1274**, An Act To Enact the Health Insurance Consumer Assistance Program (Sen. Sanborn of Cumberland) □

**New Legislation...**  
**(Continued from Page 9...)**

*on Appropriations and Financial Affairs.* This bill authorizes the issuance of bonds.

1. Part A of this bill authorizes the issuance of bonds, in the amount of \$5,000,000, to be used to support improvements to sea level prediction models by providing more detailed mapping of coastal zones and monitoring sea level changes in order to mitigate the impact of and help prepare for rising sea levels.
2. Part B of this bill authorizes the issuance of bonds, in the amount of \$6,000,000, to be used to provide partnership funds and matching grants for geospatial data acquisition to communities that are creating or improving digital parcel maps to accurately identify existing boundaries and land use, identify potential community development areas and protect environmental resources.
3. Part C of this bill authorizes the issuance of bonds, in the amount of \$3,000,000, to be used to collect data, monitor waterways and perform tests related to the known increasing ocean acidity along the Maine coast and its impact on natural wildlife and commercially important species in Maine waters, such as lobsters and clams.

**LD 1284**, *An Act To Create the Science and Policy Advisory Council on the Impact of Climate Change on Maine's Marine Species.* (Rep. Blume, D-York) *Joint Standing Committee on Environment and Natural Resources.* This bill establishes the Science and Policy Advisory Council on the Impact of Climate Change on Maine's Marine Species to examine the effects of climate change on Maine's marine ecosystems as habitat for the State's valuable commercial marine species and the direct and indirect effects of climate change on those commercial marine species. The council will identify, study and make recommendations to remediate and mitigate the direct and indirect effects of climate change on marine species that are commercially harvested and grown in the State's coastal and ocean environments.

**LD 1320**, *An Act To Require the Department of Environmental Protection To Provide Natural Resources Protection Act Permits to Affected Municipalities.* (Rep. Faye, D-Raymond) *Joint Standing Committee on Environment and Natural Resources.* This bill requires that when the Department of Environmental Protection issues a permit under the Natural Resources Protection Act the department must provide a copy of the entire permit to each municipality in which the proposed activity is to occur.

**HEALTH CARE**

**LD 1281**, *Resolve, To Create a Committee To Explore Regional Cooperation for Affordable Health Insurance.* (Rep. Tepler, D-Topsham) *Joint Standing Committee on Health Coverage, Insurance and Financial Services.* This resolve establishes the Committee To Explore Regional Cooperation for Affordable Health Insurance, which is required to study providing a more affordable health insurance option to middle-income individuals and small businesses, including convening a multistate conference to draft a proposal for a nonprofit health insurance cooperative.

**LABOR**

**LD 1319**, *An Act To Prohibit Employer Disciplinary Action against Firefighters and Emergency Medical Services Persons Responding to an Emergency.* (Rep. Grohoski, D-Ellsworth) *Joint Standing Committee on Labor and Housing.* Current law protects a firefighter from disciplinary action by an employer when the firefighter is absent from work at the beginning of the work day because the firefighter is responding to an emergency. This bill extends the protection to a firefighter who leaves work during regular working hours to respond to an emergency and provides the same protections to an emergency medical services person. The bill revises provisions regarding employer notification regarding absences and employee status as a firefighter or emergency medical services person and removes an employer's ability to designate an employee as essential.

**Continued on Page 11...**

## New Legislation...

(Continued from Page 10...)

**LD 1324, Resolve, To Establish the Committee To Study the Feasibility of Creating Basic Income Security.** (Sen. Vitelli, D-Sagadahoc) *Joint Standing Committee on Labor and Housing.* This resolve establishes the Committee To Study the Feasibility of Creating Basic Income Security to examine options to better provide basic economic security to Maine people, including through the development of a direct cash payment system

**LD 1345, An Act To Ensure a Fair Workweek.** (Rep. Melarangno, D-Auburn) *Joint Standing Committee on Labor and Housing.* This bill requires employers who employ 5 or more employees in the State to provide hourly employees at least 2 weeks' prior notice of the employees' work schedules, with compensation owed for schedule changes under certain circumstances. The bill also requires these employers to keep certain business records for at least 3 years.

The bill provides that the Department of Labor, Bureau of Labor Standards may investigate possible violations and receive complaints of possible violations from the public. A fine of \$50 per day is due for any noncompliance. The Attorney General may also file a civil action seeking additional remedies. The department may adopt rules regarding compliance with and enforcement of these provisions, and the bureau is required to report to the Legislature periodically on violations of the law and the bureau's efforts.

### TAXATION

**LD 1164, An Act to Improve the Educational Opportunity Tax Credit.** (Sen. Pouliot, R-Kennebec) *Joint Standing Committee on Taxation.* The bill would replace the existing educational opportunity tax credit with a new proposed simplified version applicable to tax years after January 1, 2020. The credit for employers is the lesser of the amount the employer paid on behalf of the qualified employee and 20% of the outstanding student loan debt. The credit for the employee would be the lesser of the amount paid on eligible student loans and 15% of the outstanding student loan debt

on the date the first education loan is made after degree earned.

**LD 1254, An Act to Authorize a Local option Sales Tax on Meals and Lodging and Provide Funding to Treat Opioid Disorder.** (Rep. Sylvester, D-Portland) *Joint Standing Committee on Taxation.* The bill would allow a municipality by referendum to establish a local option tax of 1% on prepared food, and short term lodging.

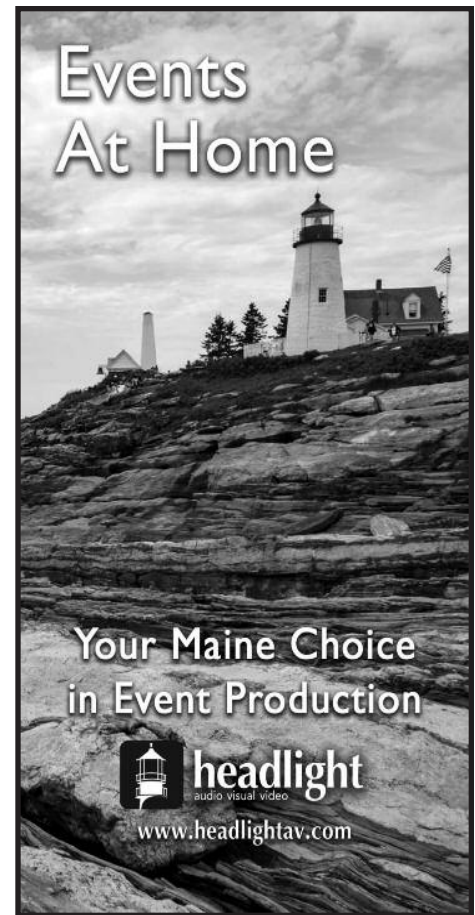
**LD 1292, An Act to Lower Maine's Individual Income Tax.** (Rep. O'Connor, Berwick) *Joint Standing Committee on Taxation.* The bill decreases the individual income tax rates at all levels to 5%, 6% and 7% by 2022.

### TRANSPORTATION

**LD 1093, An Act To Authorize a General Fund Bond Issue To Invest in Maine's Railroad Infrastructure.** (Sen. Claxton, D-Auburn) *Joint Standing Committee on Appropriations and Financial Affairs.* The funds provided by this bond issue, in the amount of \$50,000,000, will be used for investments in railroad infrastructure to expand passenger rail service, with a priority for railroad track corridors that could support passenger and freight intermodal operations and enhance the movement of agricultural products.


**LD 1157, An Act To Fix Maine's Roads and Bridges by Establishing a Seasonal Gasoline Tax Adjustment.** (Rep. McLean, D-Gorham) *Joint Standing Committee on Transportation.* This bill adjusts the tax imposed on gasoline on a seasonal basis, so that the tax is 27¢ per gallon from November 1st to May 31st and 37¢ per gallon from June 1st to October 31st annually. The current tax rate on gasoline is 30¢ per gallon. This bill also repeals the requirement that an inventory tax be paid on gasoline on hand whenever there is an increase in the tax.

**LD 1257, An Act To Prepare Maine for a Low-carbon Transportation Future.** (Rep. Bryant, D-Windham) *Joint Standing Committee on Transportation.* This bill authorizes the Secretary of State to require the owner of an electric vehicle to pay an electric vehicle registration surcharge of \$25 per year when at least 3,000 electric vehicles are annually registered in the State. The amount of the surcharge increases to \$50 per year when at



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least 10,000 electric vehicles are annually registered in the State. The municipality that collects the annual electric vehicle registration surcharge is required to expend no less than 50% of the surcharge to construct or modify public infrastructure that facilitates the charging of electric vehicles for use by the general public or for other purposes that encourage or support the purchase and use by the general public of electric vehicles.

The bill also directs the Governor's Energy Office to convene an electric vehicle task force, which is charged with reviewing a number of matters relating to electric vehicles and electric vehicle infrastructure. The director of the office is required to report by February 15, 2020 to the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Transportation regarding any recommendations of the task force, including proposed legislation. After reviewing the report, the committees may report out legislation to the Second Regular Session of the 129th Legislature.

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## **New Legislation...** **(Continued from Page 11...)**

The bill also directs the Commissioner of Transportation to take a number of actions regarding short-term and long-term planning for road infrastructure and highway funding, including a review of potential new vehicle or road use fees. The commissioner is directed to report by February 15, 2021 to the joint standing committees of the Legislature having jurisdiction over energy, utilities and technology matters and transportation matters regarding those actions and including any findings and recommendations and proposed legislation necessary to implement those recommendations. After reviewing the report, the committees may report out legislation to the First Regular Session of the 130th Legislature.

### **UTILITIES AND ENERGY**

**LD 1048, An Act To Encourage Conservation in Determining Natural Gas Rates.** (Sen. Sanborn, D-Portland) *Joint Standing Committee on Energy, Utilities and Technology.* This bill requires the Public Utilities Commission, in determining rates and rate structures for natural gas utilities, to consider energy conservation and financial incentives for customers to reduce natural gas consumption.

**LD 1063, An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure.** (Rep. McCreight, D-Harpswell) *Joint Standing Committee on Energy, Utilities and Technology.* This bill recognizes broadband Internet as a public necessity. It designates a community broadband system or part of that system as a revenue-producing municipal facility. It allows a municipality to construct, maintain and operate a municipal or multimunicipal system composed of infrastructure capable of being utilized by communications service providers for the provision of communications services. The bill prohibits a municipality from providing retail communications services through community broadband systems to nonmunicipal entities. The bill exempts community broadband systems from taxation.

**LD 1080, Resolve, Regarding Biofuel in Number 2 Heating Oil. Emergency** (Rep. Riley, D-Jay) *Joint Standing*

*Committee on Energy, Utilities and Technology.* This resolve directs the Executive Department, Governor's Energy Office to oversee a study of and report to the Joint Standing Committee on Environment and Natural Resources on the feasibility of setting a requirement for the percentage of biofuel to be used in #2 heating oil.

**LD 1123, An Act Regarding Telecommunications Infrastructure Costs.** (Sen. Black, R-Franklin) *Joint Standing Committee on Taxation.* This bill amends the laws governing development districts designated by a municipality or plantation to provide that costs associated with broadband and fiber optics expansion projects, including preparation, planning, engineering and other related costs in addition to the construction costs of such projects, whether or not such expansion projects serve residential or business areas within the municipality or plantation are authorized project costs.

**LD 1127, An Act To Expand Community-based Solar Energy in Maine.** (Sen. Sanborn, D-Cumberland) *Joint Standing Committee on Energy, Utilities and Technology.* This bill requires the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts with community-based solar photovoltaic energy generating facilities. The total amount of resources procured through these long-term contracts may not exceed 100 megawatts, and 20% of resources procured must come from generators with a capacity of less than 2 megawatts. The bill requires the commission to establish provisions to protect the interests of utility customers over the term of the contracts.

The bill sets forth eligibility requirements for community-based solar resources to enter into long-term contracts. To be eligible, a resource must have a capacity of no more than 10 megawatts, have an in-service date between June 30, 2020 and December 31, 2021 and meet local ownership requirements. In addition, to be eligible, the owners of the resource must:

1. Demonstrate to the Public Utilities Commission completion of an interconnection agreement application with the local transmission and distri-

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## New Legislation... (Continued from Page 12...)

bution utility;

2. Include a plan to obtain all required federal, state and local permits and approvals;
3. Demonstrate financial capability to operate the resource over the term of the contract;
4. Include a letter or resolution of support from the local community in which the resource is located; and,
5. Outline expected economic benefits from the long-term contract to the local community in which the resource is located.

The bill establishes a minimum contract length of 20 years and requires the contract rate to be less than 9 cents per kilowatt-hour and fixed for a period of at least 20 years. Contracts may be for energy or capacity. The contracts may also include renewable energy credits, or the owners of the resource may retain the renewable energy credits associated with the resource, as determined by the owners. Finally, the bill specifies that available energy contracted for under the provisions of this bill must be sold into the wholesale electricity market in conjunction with solicitations for standard-offer supply bids.

**LD 1139, An Act To Eliminate Restrictions on Capacity and the Number of Accounts for Net Energy Billing.** (Rep. Higgins, I-Dover-Foxcroft) *Joint Standing Committee on Energy, Utilities and Technology.* This bill provides that the Public Utilities Commission may not limit the installed capacity of an eligible facility or the number of accounts or meters a customer or shared ownership customer may designate for net energy billing. Current commission rules limit the capacity to 660 kilowatts and the number of meters or accounts to 10.

**LD 1163, An Act Regarding Energy, Utilities and Technology.** (Sen. Lawrence, D-York) *Joint Standing Committee on Energy, Utilities and Technology.* This bill proposes to amend the laws regarding energy, utilities and technology.

**LD 1173, An Act To Allow the Direct Sale of Electricity.** (Sen. Woodsome, R-

York) *Joint Standing Committee on Energy, Utilities and Technology.* This bill directs the Public Utilities Commission to approve a petition to sell electricity directly to commercial or industrial customers if the commission finds the electric service meets specified requirements. The bill specifies that the petitioner does not become a public utility as a result of its furnishing electric service to participating customers. The bill also provides that a person that has been approved to sell electricity directly to customers may construct and maintain its lines in, upon, along, over, across or under the roads and streets.

**LD 1181, An Act To Reduce Electricity Costs through Nonwires Alternatives.** (Rep. Berry, D-Bowdoinham) *Joint Standing Committee on Energy, Utilities and Technology.* This bill establishes the position of nonwires alternative coordinator in the Office of the Public Advocate. The duties of the nonwires alternative coordinator include investigation and identification of nonwires alternatives to proposed transmission lines and proposed transmission projects and evaluation of the costs and benefits of nonwires alternatives compared to utility capital investments in the transmission and distribution system. The bill requires the nonwires alternative coordinator to include and collaborate with transmission and distribution utilities, the Efficiency Maine Trust and interested parties in conducting the coordinator's review and analysis of proposed utility capital investments and nonwires alternatives. The duties of the coordinator also include making recommendations for nonwires alternatives to the Public Utilities Commission, proposing procurement plans for nonwires alternatives and implementing procurement plans approved by the commission. The bill specifies that a procurement plan for nonwires alternatives may provide for the Efficiency Maine Trust to procure and deliver, through its existing programs, nonwires alternatives, and it authorizes the Efficiency Maine Trust, in its triennial plan or annual update plan, to include the costs of providing nonwires alternatives in its budget for electric efficiency and conservation programs.

The bill amends the law governing the construction of transmission lines and the construction of transmission or distri-



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bution projects by transmission and distribution utilities. It defines a transmission or distribution project as a transmission or distribution line operating at less than 69 kilovolts projected to cost over \$500,000; current law defines a transmission project as a transmission line operating at less than 69 kilovolts projected to cost over \$20,000,000. The bill requires the nonwires alternative coordinator to conduct an investigation of proposed transmission lines and proposed transmission or distribution projects prior to approval of any line or project by the Public Utilities Commission. It requires the commission to consider the results of the investigation conducted by and the recommendations of the nonwires alternative coordinator regarding nonwires alternatives to the proposed transmission line or transmission or distribution project.

The bill requires each transmission and distribution utility to file an annual schedule of transmission line rebuilding or relocation projects and minor transmission line construction projects with

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## New Legislation... (Continued from Page 13...)

the nonwires alternative coordinator in addition to with the Public Utilities Commission. It also establishes a requirement for each transmission and distribution utility to prepare and file annually with the commission and the nonwires alternative coordinator a distribution system planning study describing system capacity and load and growth-related needs for the upcoming 5 years to ensure electric grid reliability.

The bill makes several changes to the law on smart grid infrastructure policy. It establishes that it is in the public interest to establish a nonwires alternative coordinator for the State. It allows utilities to adjust rates to recover incremental costs associated with operations of the nonwires alternative coordinator and costs of procuring nonwires alternatives and eliminates the requirement that incremental costs be prudently incurred to be recoverable. It requires the Public Advocate's annual report to include a report on the State's

progress on smart grid infrastructure.

**LD 1191, An Act To Exempt Solar Energy Equipment from Property Tax.** (Sen. Lawrence, D-York) *Joint Standing Committee on Taxation.* This bill provides a property tax exemption for solar energy equipment installed on residential property on or after September 1, 2019 to generate electricity or provide hot water to be used in a structure.

**LD 1192, An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way.** (Sen. Vitelli, D-Sagadahoc) *Joint Standing Committee on Energy, Utilities and Technology.* This bill amends the utilities laws to provide access by municipalities to facilities located in the municipal right-of-way in the interest of public health, safety and welfare. The bill also establishes the preservation of space for municipal attachments to shared-use poles by exempting municipalities from expenses assessed by joint use entities when the attachment is made for any purpose.

**LD 1231, An Act To Fund Energy Efficiency Programs through a Fee on the Sale of Unregulated Heating Fuels.** (Rep. Kessler, D-South Portland) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.* Starting July 1, 2020, this bill imposes a fee of 1% on the wholesale sale price of heating oil, propane, coal, kerosene and dyed diesel fuel that is intended for residential or commercial heating purposes. The bill requires the revenue raised through the imposition of this fee to be used to provide additional funding for the Heating Fuels Efficiency and Weatherization Fund, which is administered by the Efficiency Maine Trust for the purpose of reducing heating fuel consumption and providing energy efficiency and weatherization products and services to consumers.

**LD 1248, Resolve, To Direct the ConnectME Authority To Report on the Progress of the Detailed 2019-2021 Strategic Plan for Broadband Service in Maine.** (Rep. Morales, D-South Portland) *Joint Standing Committee on Energy, Utilities and Technology.* This resolve directs the ConnectME Authority to report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters

by January 19th in 2020, 2021 and 2022 outlining the progress of the authority in meeting the goals of its Detailed 2019-2021 Strategic Plan for Broadband Service in Maine.

**LD 1279, An Act To Modernize Maine's Renewable Portfolio Standard.** (Sen. Lawrence, D-York) *Joint Standing Committee on Energy, Utilities and Technology.* This bill changes the requirements for a hydroelectric generator that meets all state and federal fish passage requirements to qualify as a renewable capacity resource for the purpose of meeting the State's new renewable capacity resource portfolio requirements as follows: it removes the 100-megawatt maximum capacity limit; it adds a 25-megawatt minimum capacity requirement; and it requires the hydroelectric generator to be located in the service territory of a transmission and distribution utility in this State. The bill also limits competitive electricity providers in the use of output from qualifying hydroelectric generators to meet the new renewable capacity resource portfolio requirements over a 15-year period, beginning with a limit of 25% of output from January 1, 2020 through December 31, 2020 and increasing by 5% each year to reach 100% as of January 1, 2035. The legislation has an effective date of January 1, 2020.

**LD 1282, An Act To Establish a Green New Deal for Maine.** (Rep. Maxim, D-Nobleboro) *Joint Standing Committee on Energy, Utilities and Technology.* This bill does the following:

Part A requires competitive electricity providers to demonstrate, by 2040, that their portfolios of supply sources for retail electricity sales in this State are 80% accounted for by renewable resources. It also amends the State's goals for long-term reduction of greenhouse gas emissions.

Part B creates the Task Force for a Green New Deal, which consists of 11 members including representatives of State Government, climate science, renewable energy, youth, labor and business. The task force is charged with creating a plan to advance environmental sustainability, renewable energy and economic growth for the State. The plan must include, but is not limited to, a

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## New Legislation... (Continued from Page 14...)

renewable resources strategy to achieve 80% reliance on renewable resources for electricity supply by 2040; a job training strategy, including a training program to prepare workers for green jobs; and a residential energy strategy that provides incentives for installation of solar energy systems and heat pumps. The task force is required to submit a report on its plan by January 15, 2020 to the Governor, the Joint Standing Committee on Innovation, Development, Economic Advancement and Business, the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Environment and Natural Resources.

Part C requires the Public Utilities Commission and the Efficiency Maine Trust to submit a report by January 1, 2020 that includes draft legislation to establish a virtual net metering program to encourage installation of solar photovoltaic energy systems on public school buildings.

Part D creates the Commission on a Just Transition to a Low-carbon Economy. The commission includes 13 members. The purpose of the commission is to ensure that the State's transition to a low-carbon economy benefits all residents fairly and equitably. The commission is required to submit an annual report to the Legislature.

### **WORKFORCE DEVELOPMENT**

**LD 1240, An Act To Provide Career and Technical Training Options for Electricians.** (Rep. Handy, D-Lewiston) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.* This bill allows the Electricians' Examining Board to accept satisfactory evidence of completion of a career and technical electrical education program approved pursuant to the Maine Revised Statutes, Title 20-A, section 8306-B as a secondary student when issuing a journeyman-in-training electrician license.

**LD 1247, Resolve, To Change the Work Requirement Rules under the Temporary Assistance for Needy Families Program.**

(Rep. Madigan, D-Waterville) *Joint Standing Committee on Health and Human Services.* This resolve directs the Department of Health and Human Services to amend its rules to include a Temporary Assistance for Needy Families program participant's attendance at the medical and mental health appointments of the participant's children as a life management skill and job readiness activity.

**LD 1258, An Act To Increase Access to Transportation for Workforce and Other Essential Transportation Needs.** (Rep. Sheats, D-Auburn) *Joint Standing Committee on Transportation.* This bill requires the quinquennial locally coordinated plan for regional transit submitted by each regional public transportation agency to focus on meeting workforce needs. This bill also provides funding to the Department of Transportation to support and expand local volunteer driver networks; to create a pilot purchase of service program in a selected region of the State to provide senior citizens and persons with disabilities vouchers to purchase their own transportation services; and for regional transportation providers throughout the State, split evenly between rural and urban areas, to expand their services, including addressing regional workforce needs.

**LD 1342, An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute.** (Rep. Daughtry, D-Brunswick) *Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce.* This bill establishes the Maine Workforce, Research, Development and Student Achievement Institute and a related steering committee to advise the Legislature on matters related to workforce training, research and development, student debt and economic advancement in the State. The bill directs the Legislature, through the joint standing committee of the Legislature having jurisdiction over innovation, development, economic advancement and business matters, to contract with the University of Maine System to establish the steering committee. The bill describes the 8 required steering committee members and establishes that each member serves a 2-year term and that the steering committee will meet at least 4 times per year. □



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## ***Energy Summit***

***Friday, April 26, 2019 | 9:00 a.m. to 3:00 p.m.***

***Maple Hill Farm Inn and Conference Center***

***11 Inn Road, Hallowell***

With a new legislature and administration in place, Maine energy policy is definitely a priority in Augusta this year. With so many proposals and decisions to be made, the Maine State Chamber of Commerce will convene all the key players in one location for a full-day of discussion, presentations, and information, included a keynote address by Gordon Van Weile, president of ISO New England. You won't want to miss being a part of this timely event!

To register for this event, please visit [www.mainechamber.org](http://www.mainechamber.org) or email [aarno@mainechamber.org](mailto:aarno@mainechamber.org). If you would like to sponsor this event, please contact Melody Rousseau by calling (207) 623-4568, ext. 102, or by emailing [melodyr@mainechamber.org](mailto:melodyr@mainechamber.org). If you have further questions about the program's content, please contact Ben Gilman by calling (207) 623-4568, ext. 111, or by emailing [bgilman@mainechamber.org](mailto:bgilman@mainechamber.org). □

