

## Work is left undone

### *Legislature adjourns with hundreds of bills remaining, and the possibility of an epilogue unclear*

On Wednesday May 2, 2018, the 128th Legislature adjourned “sine die,” thereby formally closing out its two-year existence. In any other time, adjourning would mean wrapping up any unfinished business, clearing the tables in both bodies, attending to the multitude of bills lying on the special appropriations table,

no way an understatement.

The question being asked by many in the business community – and from other statehouse followers – is “will they return to clean up their unfinished business?”

The session started out as most do, with the various committees dealing with “carry over” bills – bills that were sub-

Leadership had made it clear that they intended to keep the total number of bills down, and they proved true to their word, only considering an additional 259 bills, more than 40 of which were submitted by Governor Paul LePage’s administration, which didn’t need Council approval, for a total of 578 pieces of legislation.

In addition to new legislation, lawmakers were still wrestling with the ramifications of policy issues from both the 2016 ballot initiatives – namely the legalization of recreational marijuana – as well the 2017 referendum question that authorized Medicaid expansion in Maine. Other important bills in the various committees included the re-authorization of the Pine Tree Development Zone (PTDZ) program, whether or not to make changes in education policy, and what to include in a bond package of as much as \$250 million. A central issue was to develop in the closing weeks of the session, namely whether Maine should adopt “tax conformity” with the federal government subsequent to the enactment to President Donald Trump’s federal tax reform bill.

Shortly after the session began in January, it became clear there would be no supplemental budget package forthcoming from the LePage administration. At the close of the first session, nearly 100 bills lay on the Joint Standing Committee on Appropriation and Financial Affairs (AFA) special appropriations table. Some of those bills included increasing reimbursement rates to special

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and saying their goodbyes to each other, their respective partisan staffs, and the many non-partisan workers who labor in the legislative institution.

That was not how the 128th legislature ended its work. Instead, for the first time in modern political remembrance, lawmakers went home with hundreds of bills remaining and several extremely important policy issues unaddressed. To say such action was unprecedented is in

mitted during the first session, but for one reason or another were never finalized. This year saw a somewhat unusually high number of carry over bills – 319 to be precise. In addition, legislators from either party can submit bills for consideration during the second regular session, but those bill requests must be approved by the 10-member Legislative Council, made up of the House and Senate leaders from both parties in all four caucuses.

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## **Legislative Overview... (Continued from Page 1...)**

group homes to account for the increase in the state's minimum wage. Others involved proposals important to one legislator or another. Lastly, the funding necessary to expand the state's Medicaid Program, as authorized at the ballot box became a pivotal policy debate.

Agreement on these critical issues was difficult to come by, for a variety of policy and political reasons. While the Labor, Commerce, Research and Economic Development committee (LCRED) did find agreement, with near unanimity, on the PTDZ bill (see page 11), other committees struggled. The Taxation committee divided along party lines on the conformity proposal (see page 5). While there was agreement on a spending package out of AFA, the caucuses could not agree on the size/amount of the package. Again, while there was agreement on the need and desire for a bond package, time ran out before the package could fully take shape. The issue of how and whether to appropriate the initial funds necessary to implement Medicaid expansion became mired in the politics of tax conformity and a minimum wage slow down.

Frustration boiled over in the final day of the session. Efforts to pass a joint order that would extend the session for five days passed easily in the senate. But in the House, tensions had risen to fury. House Republicans refused to provide the necessary two-thirds vote to pass the extension order. In their floor speeches, they repeatedly cited session mismanagement and lack of an exit plan even after the five days, as a reason not to extend. Despite repeated attempts, they were unmoved. With little option, the bodies recessed on Wednesday, April 18 for 10 days – time enough for the governor to decide what to do with the bills that the legislature had sent to him.

On May 2, the full legislature returned for "veto day" to take up any bills vetoed by the governor – and to take one last stab at extending so that they could finish their business. Beyond these two items, the legislature was barred from taking up any additional business short of an extension. After dispensing with the 20

vetoed sent by the governor (11 of which were overridden by the house and senate, one of those being the marijuana bill (see page 7), there were repeated attempts to extend session. Efforts ranged from one day to four, and included a plea from the Speaker of the House, Rep. Sara Gideon (D-Freeport), to the Republican caucus. That plea was rejected. Out of time and without options, the 128th Legislature finally adjourned at approximately 6:30 p.m. on Wednesday, May 2.

When the legislature went home on the night of April 18, they left approximately 236 "live bills." Of those, 187 were tabled somewhere in the building. Another 133 were in the AFA committee, on the "highway" table or on the "study" table; another 54 were tabled in either the House or Senate as unfinished business. An additional 49 bills remained in various committees with final disposition unfinished. As a last ditch measure to salvage those bills – which included the Pine Tree Zone and tax conformity bills – the House and Senate approved an order that would authorize them to be carried over to a future special session should one occur before the start-up of the 129th Legislature.

Trying to capture exactly what and why things unfolded as the session drew to a close is difficult to put into words. In many ways, the manner in which this second session ended should not have come as a surprise. Every second session tends to be more political in nature, given that it takes place in an election year. This year, the atmosphere was even more politically charged because all 186 seats up for grabs in both the House and Senate, as well as the Blaine House. For the past eight years, Maine's Chief Executive has been Governor Paul LePage, a governor frequently at odds with Democrats and some Republicans alike. Democrats in particular have chafed under the LePage administration's policies. As time ran down in the remainder of his final year, as well as in the session itself, willingness of certain legislators to compromise was diminished.

On the last day of session – April 18, the day of statutory adjournment – 236 bills remained unfinished, or 40% of the total bills the legislature had on its agenda this year. One could certainly argue that number seems a weighty task for the

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

# Minimum wage relief for rural businesses won't be forthcoming

## Effort to slow the rate of growth falls short by three votes

Despite repeated attempts to provide some relief to rural small businesses struggling to cope with rapidly escalating minimum wage costs, the Second Session of the 128th Legislature ended without any help in sight.

In a 72-75 vote, the House rejected an amended version of **LD 1757**, *An Act To Protect Maine's Economy by Slowing the Rate at Which the State's Minimum Wage Will Increase and Establishing a Training and Youth Wage*. Submitted at the request of Governor Paul LePage and sponsored by Rep. Joel Stetkis (R-Canaan), LD 1757 proposed a variety of changes to the minimum wage law passed in November 2016. The bill had come out of the Joint Standing Committee on Labor, Commerce, Research and Economic Development (LCRED), divided along party lines – with Democrats on the committee opposed and Republicans supporting a scaled-down proposal.

As drafted, the minority “ought-to-pass” report to the full legislature proposed to freeze the minimum wage at \$10 an hour until January 1, 2020, therefore allowing for a 12-month “cooling off” period that would give the many struggling small businesses a chance to catch up. In 2020, the minimum wage would increase by 50 cents an hour to \$10.50, and then 50 cents more each year until 2023, when the statewide minimum wage would reach \$12 an hour. After that, any indexing tied to changes in the consumer price index (CPI) would kick in from there forward.

In addition, the amendment proposes to establish a “training wage” for workers under the age of 18 for the first 200 hours of employment. The training wage would equal to 80% of the state minimum wage or the federal minimum wage, whichever is higher. It is important to note that any employer is free to increase the wages paid to a youth worker at any time before the 200-hour mark is reached.

The bill was initially debated in the House in April. Although the bill was hotly debated, the first vote on the proposal fell sharply along party lines, failing 81-69. However, the bill was approved by the Maine State Senate, 19-16, with bi-partisan support. In addition, the Senate amended the bill by

removing the training wage portion and substituting a 12-month moratorium on next year's scheduled increase, with a 50-cent increase next year and each year until reaching the voter approved \$12 an hour in 2021.

Once again, the debate in the House was highly emotional and extensive. However, when the roll call vote was taken, the vote to accept the Senate version of the bill failed 72-75. It is also important to note that, as with the previous House votes, Republicans supported the bill. As many as a half dozen Democrats joined the Republicans in acknowledging the need to slow the rate on increases or risk damaging the rural Maine economy. For a complete list of how representatives voted on the amendment, see Roll Call #572 on the Legislature's website at [http://legislature.maine.gov/LawMakerWeb/rollcall.asp?ID=280067253&chamber=Ho](http://legislature.maine.gov/LawMakerWeb/rollcall.asp?ID=280067253&chamber=House&serialnumber=572)

use&serialnumber=572. With the failure of LD 1757, the tremendous pressure small businesses are already feeling regarding the significant increases in the cost of doing business in just slightly more than 17 months that the new law has been in effect remains undressed. The public hearing on the bill, held slightly more than three months ago, lasted nearly eight hours, with dozens of small businesses testifying before the committee asking for some relief. Besides the concerns expressed with respect to meeting the challenges of the \$2.50 increase in the minimum wage that has gone into effect in approximately 17 months, the real fear expressed by the nearly 50 businesses that attended, many from small rural towns and regions, was how they will be able to integrate yet another dollar-per-hour increase into their business models next January – followed by another dollar-per-hour increase in 2020 (a 38% increase in wage-and-hour costs in less than four years) – and still remain viable and open for business.

While those arguments and others were made on the House floor, they were insufficient to sway the necessary votes to bring some relief to smaller, rural

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### Minimum Wage...

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employers. Therefore, those businesses appear to be careening toward an \$11 an hour minimum wage effective in 2019 – the amount most often cited as the tipping point for disaster for our small businesses. After that, there will be yet another dollar-per-hour increase the following year.

Next year will bring a new legislature. While it is possible some legislative action could take place to address the minimum wage issue in 2019, it is unlikely that a roll-back in wages would be part of the solution. From a political perspective, it is extremely difficult to pull back higher wages once workers begin to receive them. That means \$11 an hour will be the minimum wage in Maine effective January 1, 2019. How, or if, the legislature wants to address the issue further is anyone’s guess.

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). □

### Legislative Overview...

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final day. And in fact, this was one of the major points of contention made by Republicans when debating the extension order – that they were being pressured to make decisions at the last minute.

But in reality, most of the AFA’s study table bills could have been dealt with quickly. Removing them from the equation drops the number to 16%, a far more manageable number and one that would have in all likelihood been even lower given that most of the bills in committee – with exception (tax conformity, PTZD) – were probably left there purposely to die. So, why no extension? In the end, it came down to a lack of trust, a deep philosophical divide between House Republicans and the other three caucuses, personal differences and dislike, and the politics of an election year.

One question we are asked frequently since they adjourned is, “will they come back?” We believe they will. In addition to agreeing to a bond package,

nearly every legislator, regardless of party, wants to address the school funding issue. Whether a spending agreement can be reached in the interim period is unclear, as is agreement on tax conformity. However we do believe they will meet between now and Election Day to do a final wrap-up. And we also know many Representatives and Senators from both parties *do* want to finish their work.

Perhaps a cooling-off period will produce the kind of results Maine people and the business community expect. The coming weeks or months will tell. In the meantime, the advocacy staff at the Maine State Chamber will be following any pertinent events and will be in the Statehouse when they do return, so we can be sure they hear the *Voice of Maine Business*.

The Maine State Chamber would like to thank each and every legislator for their service to the people of Maine and their dedication to helping to bring jobs and opportunities to our citizens. □

# **Tax conformity still on unfinished business as Legislature adjourns**

## **– Special session needed to deal with tax conformity**

When the legislature adjourned “sine die” on May 2, 2018, **LD 1655, *An Act to Update References to the United State Internal Revenue Code of 1986 contained in the Maine Revised Statutes***, unfortunately remained on the list of unfinished business in the Senate. Sponsored by Sen. Dana Dow (R-Lincoln), the tax conformity bill would have conformed Maine’s income tax laws to the federal tax code. Despite efforts to come to a bipartisan agreement by both chairs of the Taxation committee, Sen. Dana Dow and Rep. Ryan Tipping, the issue did not get resolved, at least not yet.

Rumor had it that in the final day of the session, legislators were very close to a deal containing provisions from both sides. This was a huge step forward. Back in April, when the Taxation committee finally voted “ought to pass as amended” on LD 1655, two reports divided reports emerged along party lines (7 to 6) and were very different in scope.

The Republicans’ report included the language proposed by Governor Paul LePage, which would conform Maine to the federal code and would mitigate any negative tax implications to Mainers or Maine businesses. The Democrats’ majority “ought-to-pass” report, on the other hand, was a very progressive report that contained, among other things, a proposal to discard the most important business provision in the Governor’s amendment, namely bonus depreciation. If the legislature does in fact do nothing with tax conformity this session, Maine reverts back to the 2016 income tax laws, which will be a huge problem administratively for individuals, businesses and the State.

The Maine State Chamber supported conforming to the federal tax code. The organization believes that failure to adopt tax conformity measures would be an administrative nightmare for Maine businesses, and it opens door for fraud, with Maine potentially losing millions of dollars of revenue. The focus of LD 1655 centered around three major areas of tax conformity – individual, business and international provisions.

With respect to the individual provisions, full conformity with the federal code would mean that the personal exemption would be eliminated in Maine. To mitigate any potential tax increase to Mainers, the Governor and Republicans have proposed to put in place a zero percent tax bracket and added a \$500 child care credit. If Maine does not conform to the elimination of the personal exemption, Maine Revenue Services (MRS) will lose the support of the federal government to audit personal exemptions. At the current time, because Maine “piggybacks” on the federal government, MRS depends largely on the feds to audit returns for fraud. If Maine does not conform to federal tax laws, filing would essentially be done on the “honor system,” and Maine will stand to lose thousands, if not millions, of dollars because MRS will not have access to the expertise of the IRS to verify taxpayer data. The Democrats have proposed to increase the earned income tax from 5% to 15% and a child care credit of \$300.

On the business front, in addition to the excessive administrative burden with non-conformance that will be placed on Maine businesses, there are a number of other issues that will result if Maine fails to conform to the federal code. Specifically, if Maine conforms to the code, businesses will be allowed to take 100% bonus depreciation on assets. This will free up cash that could be used to reinvest in equipment or in employees. If other competing states adopt this bonus depreciation measure and Maine does not, it will place Maine companies at a competitive disadvantage when competing for capital. In addition, the alternative minimum tax would be repealed. To mitigate any potential increases to Maine businesses from provisions in the federal code such as the interest expense reduction and the change in the treatment of net operating losses, the Governor proposed a lowering of the corporate income tax rate from 8.93% to 8.33%. If Maine conforms without reducing this rate, it would

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## **Bonds left on Appropriations table pending special session**

The legislature is considering a bond package of up to \$250 million that has the support of Gov. Paul LePage (see page 19). This package would include transportation and infrastructure investments, higher education funding, and economic development and commercialization funds, to name a few. We will keep members updated when the legislature returns to vote on a bond package to appear on the November 2018 ballot.

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

## **Legislature fails to enact changes to citizen’s initiative process**

At the start of the 128th Legislature, there were more than 40 bills to address the citizen’s initiative process, and the “runaway train” that it has become. Upon adjournment, sine die, the legislation carried over two bills (see page 29) dealing with the citizen’s initiative process – one requiring signatures coming from each congressional district, and the other deals with transparency of signature collection. If they return for a special session, we hope they address this pressing need.

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

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## Tax Conformity... (Continued from Page 5...)

be a huge tax increase on Maine businesses. The Democrats have rejected the lower rate and have proposed keeping the current Maine Investment Tax Credit, instead of bonus depreciation.

With respect to the international provisions, the federal code transitions the U.S. from a worldwide to a territorial tax system. The idea was to bring investment back to the U.S., whereas now companies hold assets outside the U.S. because of high tax rates in this country. The changes in the federal code lower the corporate tax rate from 35% to 21%, putting the U.S. on a level playing field with other countries. The federal code requires businesses to pay a one-time tax on cash, cash equivalents, and non-cash assets that are "deemed repatriated" back to the U.S. These assets are currently overseas. Maine stands to gain \$31 million in tax revenue from this "deemed repatriation." If Maine fails to conform to the federal tax code, the State loses that \$31 million. Both parties have proposed to conform to the repatriation provisions in the federal code.

### Elements in the Democrats' Proposal...

Among other things, the Democrats' amendment would:

- Reject the proposal to increase the estate tax threshold;
- Reject conformity to full bonus depreciation (just maintains current Maine Investment Tax Credit);
- Initiate a paid family medical leave credit for employers;
- Reject the repeal of the Alternative Minimum Tax;
- Lower the child care credit from \$500 to \$300;
- Reject the decrease in the corporate income tax rate;
- Increase the earned income tax credit from 5% to 15%;
- Provide a credit under the income tax and insurance premium tax equal to the federal credit for employer-paid family and medical leave;
- Maintain the deductibility of distributions from the IRS, section 529 college savings accounts by not con-

forming to the federal expansions that allow the funds to be used for elementary and secondary public, private or religious schools;

- Conform to international provisions of repatriation; and,
- Place additional money into the property tax fairness credit, increasing the cap for taxpayers over 65 from \$900 to \$1,000 and the cap for taxpayers under 65 from \$600 to \$750.

### Elements in the Republicans' Proposal...

Among other things, the Republicans' proposal would:

- Accept the proposal to increase the estate tax threshold;
- Repeal the Alternative Minimum Tax;
- Eliminate personal exemption, but enact a zero-percent tax bracket and establish a child care credit of \$500 to mitigate elimination;
- Conform to full 100% bonus depreciation for business and conform to international provisions of repatriation; and,
- Conform to changes in treatment of net operating losses, limiting the amount of interest a business can expense but decreasing the corporate income tax rate from 8.93 percent to 8.33 percent beginning in year 2020, in an effort to mitigate the impact the two above provisions would have on Maine businesses.

The Maine State Chamber has been encouraging its members and their employees to please contact legislators and the Governor regarding the importance of a special session. They need to come back and finish these remaining issues. We also strongly urge them to vote "yes" on tax conformity and support the minority report. We hope that when the legislature convenes again, these discussions will continue and that legislators – particularly the Taxation committee chairs, Sen. Dana Dow and Rep. Ryan Tipping, and legislative leadership – can come back to the table and to foster bipartisanship to craft a tax conformity bill for the benefit of Mainers and Maine businesses.

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

# Legislature overrides Governor's veto on marijuana bill

## Plan to implement recreational marijuana in Maine moves forward

By a two-thirds' margin in both the Maine House and Senate, lawmakers voted to override Gov. Paul LePage's veto on legislation that would provide a regulatory framework for the sale of recreational marijuana in Maine. As a result, the legal sale of marijuana moves closer to reality after nearly a year and a half since the ballot question was approved at the ballot box in 2016.

**LD 1719**, *An Act to Implement a Regulatory Structure for Adult Use Marijuana*, represented months of work, discussion, and debate on how best to implement legalized recreational marijuana in Maine. Sponsored by Rep. Teresa Pierce (D-Falmouth), the bill was the Legislature's attempt to create a workable framework for the licensing, sale, taxation, distribution, enforcement, and use of recreational marijuana in the face of the poorly-drafted Marijuana Legalization Act (MLA), which was narrowly approved by referendum in 2016.

It is important to note that this was the second time the Legislature has attempted to address the issue through its work, and the second time it was to consider a veto on the policy question. In 2016, the committee's first try resulted in **LD 1650**, *An Act To Amend the Marijuana Legalization Act*. While passing in both bodies of the Legislature, LD 1650 was vetoed by Gov. Paul LePage, and at that time his veto was sustained. Just as in that instance, the Governor has indicated that he would veto LD 1719.

In its initial work on the MLA back in January 2017, the Joint Select Committee on Marijuana Legalization Implementation (MLI) – the legislative committee tasked with addressing the MLI's shortcomings – implemented a moratorium on the MLA. One of the first bills passed by the 128th Legislature was LD 88, which stayed the law until February 1, 2018. The intent was to give the MLI committee the needed time to work with stakeholders to develop a more workable MLA. After the defeat of LD 1650 in 2016, the committee began its work anew, working hard to meet the

February 1 deadline, but acknowledging that the moratorium may need to be extended to the end of the session. This point would turn out to be extremely important for employers, and a source of ongoing concern absent the passage of LD 1719.

Much of LD 1719 is taken up by the rules, regulations, and policies that will integrate the legalization of recreational marijuana in Maine law and practice. As such, unless your company has a direct stake in the sale of marijuana in our state, you may not be interested. However, the committee made an important change in the MLA that should be of interest to every employer in the state – one that is strongly supported by the Maine State Chamber.

In its work both in 2017 and again this year, Peter Gore, vice president of government relations for the Maine State Chamber, indicated to the MLI committee that the existing language in the MLA provided little, if any, guidance to Maine employers when it came to marijuana in the workplace. Gore also acknowledged that the MLA contained language that prevented an employer from discriminating, for hiring purposes, against someone who used recreational marijuana. This particular point was of significant concern to the Maine State Chamber and employers in general. As a general rule, the Maine State Chamber and employers oppose the creation of a new protected class for purposes of employment. The idea of creating a protected class of *marijuana users* seemed unreasonable and preposterous to businesses. No other group – drinkers of alcohol, for example – enjoys such protections when it comes to hiring.

The MLI committee – in LD 1650 and again in LD 1719 – agreed with the employer community and removed the protected class status of marijuana users from the law, as well as explicitly stating the employers are entitled to a drug-free workplace and are able to take action when an employee is impaired at work.

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## Marijuana Legalization... (Continued from Page 7...)

Problems arose in mid-January 2018, when the House refused to go along with legislation to extend the moratorium on the existing MLA, despite strong support and urging from the business community, specifically the Maine State Chamber. The moratorium extension received strong backing from the Maine State Senate; nonetheless, House Republican leadership and a sufficient number of that caucus refused to give the MLI committee the time it needed to finish its work before the poorly-drafted MLA became law. The MLA, as enacted by the voters, became law on February 1, 2018.

As such, the part of the law that provided protected class status to marijuana users also became law. The result: employers who conduct pre-employment drug testing are caught in a conundrum. Many interpreted the law to say that an employer may not use any positive tests for marijuana as a reason *not* to hire a prospective job applicant, except *perhaps* in certain safety sensitive positions. Obviously, for safety reasons, this development was extremely troubling for business across the state. Employers want the ability to do all they can to ensure a safe worksite, and that includes preventing an impaired worker from injuring themselves or a coworker. The use of pre-hire drug testing is one way to help ensure this goal. Prior to the legislature's final action on the veto, at least when it comes to marijuana use, that tool was not readily available to businesses in Maine.

The enactment of LD 1719 appears to have changed the situation. It is important to note that the bill received strong bi-partisan support to override in both the House (108-39) and in the Senate (28-6).

It appears, now that LD 1719 has finally become law, *it has eliminated the existing and unnecessary protected class of marijuana users and would allow employers to reinstate a comprehensive pre-hire drug testing program that would help improve workplace safety.* But beyond that, the bill's impact on the workplace appears to be less clear. Some attorneys have interpreted the bill to allow employers to have both a drug-free workplace, as

Continued on Page 9...

## Director, Human Resources

Emera Maine, headquartered in Bangor, Maine, is Maine's second largest electric utility. The company delivers electricity to 159,000 residential, commercial, and industrial customers throughout eastern and northern Maine. Emera Maine came to be as the result of a merger of Bangor Hydro Electric Company and Maine Public Service. Bangor Hydro became part of the Emera Inc. group of companies in 2001 and MPS was acquired in 2010. The two companies formally merged as one utility on January 1, 2014. Our service territory spans 10,400 square miles over five counties, and the company's over 400 employees operate a system consisting of 1,117 miles of transmission lines and 9,234 miles of distribution lines. We are committed to safety, operational excellence and providing energy solutions to our customers.

Reporting to the President and COO, this executive leadership role will provide management direction across all sectors of the company, helping to develop and maintain an organizational structure that effectively responds to operational needs and is optimally aligned to achieve strategic objectives. The **Director, Human Resources** will contribute to Emera Maine's success by developing, implementing and executing short- and long-term people strategies, plans, policies and programs to support strategic objectives and continued growth. The Director will oversee the HR portfolio and organizational performance and advise on new approaches. This leader will implement improved people strategies around employee engagement including but not limited to attraction and retention, benefits, compensation, labor relations, employee relations, employee & leadership development and training, wellness, change management, and work-life programs. A key advisor to the President and COO, this position provides ongoing leadership in developing the culture and initiatives that reinforce Emera's Story and Code of Conduct.

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## Bill to study structure of state board of property tax valuation enacted

A bill to study the structure and efficiency of the State Board of Property Tax Review – LD 1479, *An Act to Modernize and Improve Maine's Property Tax System* – has been enacted as Public Law c. 367. The bill was carried over from the First Regular Session of the 128th Maine Legislature.

Last year, the Maine Chamber testified in support of LD 1479, which would have improved Maine's property tax valuation and appeals process by preventing over-valuation of manufacturing and industrial property. The bill sponsored by Rep. Steve Stanley (D-Medway), proposed to change the appeals process to make it more fair and reasonable. As originally drafted the bill would have:

- Required Maine Revenue Services' property tax division to value property worth more than \$10 million;
- Reduced the limited number of information requests and the number of appeals a taxpayer *must go* through from five to three, in order to appeal their property tax valuations;
- Provided the taxpayer the option to bypass the State Board of Property Tax Appeals altogether and appeal directly to Superior Court; and finally,
- Required that a business or industry representative with a taxation, finance, or valuation background be added to the State Board of Property Tax Appeals.

LD 1479 was carried over to the Second Regular Session to allow a working group to meet over the summer to try to come to consensus on the various provisions in the bill. A working group of stakeholders did meet last summer. However, they were unable to come to consensus on much of the proposed provisions in the original draft. As a result, most of the original provisions above did not make it into the final amended version. The one exception was the provision to appoint a business representative to the Board.

As passed, the public law does several things. It establishes a task force to look at restructuring and improving the efficiency of the Board; clarifies an assessor's ability to request a "true and perfect" list of property and other information in a combined single notice to the taxpayer; establishes a list of persons with whom the state tax assessor can share proprietary information, as well as making it a class E crime for anyone who knowingly violates the confidentiality of the information; and, also provides for an opportunity for mediation between the assessor and taxpayer after filing an appeal with the Board but before a hearing is 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). □

## Marijuana Legalization... (Continued from Page 8...)

well as take disciplinary action against an employee that either is high at work or gets high on the job. Others believe that a court will need to decide exactly what workplace protections exist for both the employer and the employee. To that end, both the Maine State Chamber and our members should be monitoring developments in this area closely.

The Maine State Chamber supported

the passage of LD 1719 and wishes to thank legislators from both parties for supporting the override of the veto on the bill. The future of the recreational marijuana law in Maine will continue to evolve, but with LD 1719 becoming law, its foundation is far stronger and clearer for future legislatures. The failure of LD 1719 to become law would have meant a return to the flawed statute enacted by voters – and a less safe workplace.

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). □

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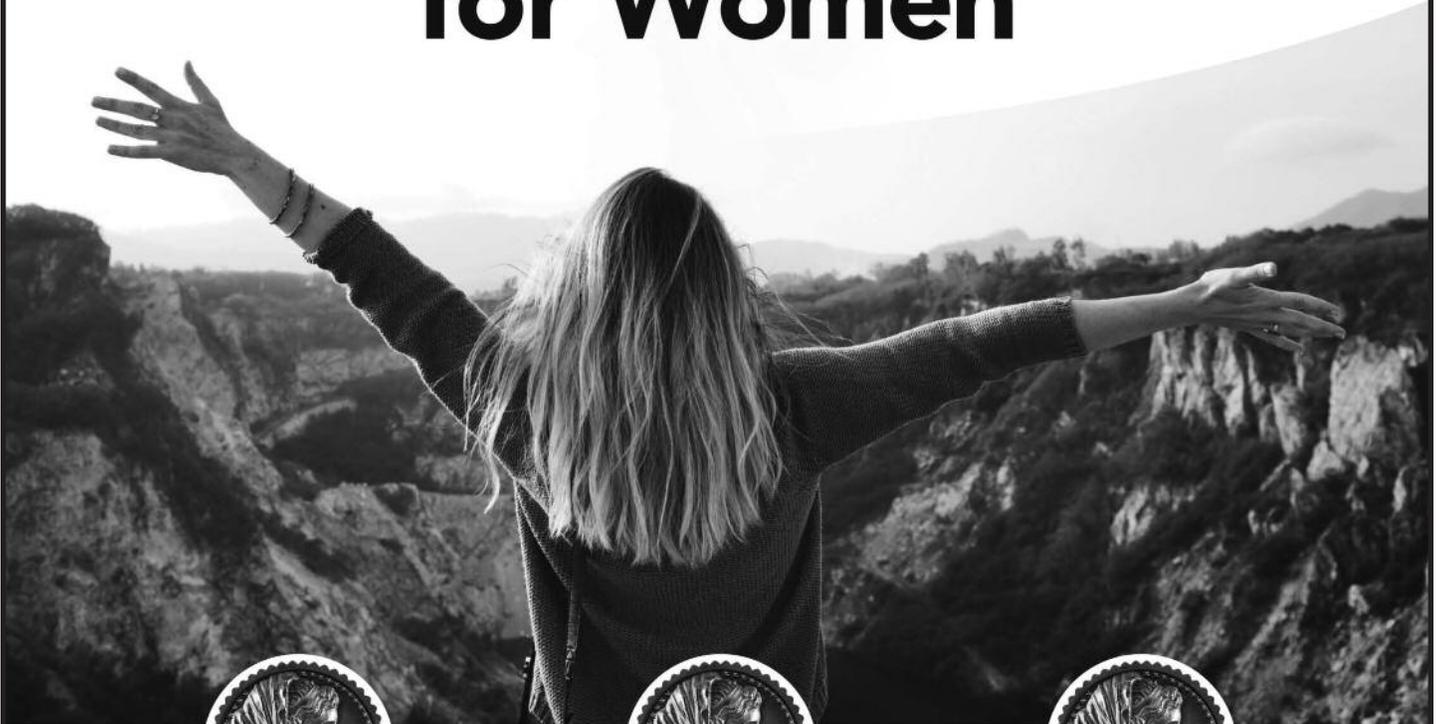
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## **Fate of Pine Tree Zone Development program still in limbo**

**Program scheduled to end December 2018, yet bill to extend it three years tabled in House**

The bill to extend the Pine Tree Development Zone (PTDZ) program – **LD 1654, *An Act to Protect Economic Competitiveness in Maine by Extending the End Date for Pine Tree Development Zone Benefits*** – remains on the calendar as unfinished business in the House. Sponsored by Sen. Troy Jackson (D-Aroostook), the bill received a nearly-unanimous report of 12-1 from the Joint Standing Committee on Labor, Commerce, Research and Economic Development (LCRED) to extend the PTDZ program by three years. The PTDZ program is scheduled to end in December 2018. As originally drafted, LD 1654 proposed to extend the Pine Tree Development Zone program by five years.

### **Data Collection...**

While the bill itself was pretty straightforward and proposed only to deal with the issue of extending the PTDZ program, the committee decided to amend the bill and include language dealing with two other issues. The amendments included language to clarify what information the Maine Department of Economic and Community Development (DECD) could gather from Maine businesses participating in the PTDZ program. DECD *already* collects this information from Maine businesses; this would just clarify that they could.

This information would include the total number of Maine employees and payroll, number of new hires, incremental investments made at certified location or qualified business activity in aggregate, and the total value of PTDZ benefits received, all for the report year. The bill would also require that the commissioner of DECD report to the Joint Standing Committees on Taxation and LCRED aggregate statistics about names of certi-

fied businesses (already public); aggregate amount of PTDZ benefits received by these businesses; and, aggregate statistics on average income, access to health insurance and retirement benefits, employment levels, and amount of investment. In addition, after January 1, 2019, the bill would also require that a PTDZ businesses obtain certification from DECD that at least one new qualified employee was added before being eligible for the sales tax exemptions for the transmission and distribution of electricity and sales of tangible personal property.

### **Confidential Information...**

OPEGA can ask for confidential business information for its review of PTDZ and other programs, but providing it is strictly voluntary. The PTDZ program, like Maine's other incentive programs, is subject to review by the Office of Program Evaluation and Government Accountability (OPEGA). The bill would establish that OPEGA in doing its evaluation of the PTDZ program to consider specific policy objectives and performance measures. The bill directs OPEGA to consider that the specific policy objective of the PTDZ program is to create and retain jobs in this state by reducing the tax burden experienced by businesses and by making it more competitive than and more comparable to other states.

The bill also directs OPEGA to consider the following performance measures in its evaluation of the PTDZ program. These performance measures include, but would not be limited to, change in number of jobs; amount of qualified investment directly related to a qualifying business activity; comparison of business tax bur-

***Continued on Page 12...***

## **Legislature enacts Maine's shipbuilding facilities credit**

**Bill helps Maine facility compete on national basis by sustaining jobs and investment in Maine's shipbuilding industry**

On Thursday, March 29, both the House and Senate enacted, and the Governor later signed into law (c. 361), **LD 1781, *An Act to Encourage New Major Investment in Shipbuilding Facilities and the Preservation of Jobs***, which was sponsored by Rep. Jennifer Deschant (D-Bath). The new law will provide a 3% income tax credit for investments in shipbuilding facilities made after January 1, 2020, as long as certain employment levels are maintained.

Coming from the Taxation committee, the bill received an 11-2 "ought-to-pass as amended" vote. Of those present, Sen. Dana Dow, Sen. Andre Cushing, Rep. Ryan Tipping, Rep. Denise Tepler, Rep. Steve Stanley, Rep. Gary Hilliard, Rep. Maureen Terry, Rep. Gay Grant, Rep. Karl Ward, Rep. Bruce Bickford, and Rep. Matt Pouliot voted for the bill. Rep. Justin Chenette and Rep. Janice Cooper voted against the bill. In the Senate, the bill received a 25-9 "ought to pass" report, and in the House, a 117-31 vote.

An applicant must apply for and receive certification by the DECD commissioner. The bill allows an applicant a 3% income tax credit on qualified investments made and is limited for 15 years. The applicant must make a qualified investment of at least \$100 million for the first 10 years on or after January 1, 2020, and the second \$100 million prior to January 1, 2025. LD 1781 provides for a reduced credit when employment levels

***Continued on Page 13...***

**Pine Tree Zones...**  
*(Continued from Page 11...)*

den and other cost burdens in this state as compared to other states; measures of industry competitiveness for businesses receiving benefits; measures of fiscal impact and overall economic impact to the state; and, a comparison of the amounts of incentives received from PTDZ program to the amount of incentives received from other state incentive programs. The list of performance measures does not end here. OPEGA can ask for much more information than companies may be comfortable providing, namely proprietary information. It is up to the companies participating in this and other programs to decide what type of information they would be willing to provide to OPEGA. Providing information to OPEGA under this bill would be strictly voluntary.

Beth Ashcroft, director of the Office of Program Evaluation and Government Accountability (OPEGA), told the LCRED committee that the release of a company's information to OPEGA, when the agency conducted company interviews in its quest for data, would be *voluntary*, not mandatory. The bill also directs OPEGA to provide a report of its evaluation of the PTDZ program by January 15, 2021, to the committee having jurisdiction over economic development matters. The bill gives that committee the authority to report out a bill during the first regular session of the 130th Legislature.

Finally, the bill directs DECD to study, and to report to the committee having jurisdiction over economic development matters by January 15, 2019, whether income requirements should be added to describe high quality jobs and whether geographic limitations the current PTDZ program is subject to ought to be amended.

Again, the bill is still on the House calendar awaiting final passage. If you have any questions, please contact Linda Caprara by calling (207) 623-4568, ext. 106, or emailing [lcaprara@mainechamber.org](mailto:lcaprara@mainechamber.org). □



Rows from top: Aura, Portland, ME; R.E. Crawford HQ; Lakewood Ranch, FL; TAMC County Dialysis Center, Presque Isle, ME



ROB FRANK, P.E.  
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## ***Proficiency-based diplomas debated to very end of session, carried over to special session***

Statutory adjournment has come and gone. The fate of many education and workforce development bills remain unknown. The debate relating to proficiency-based diplomas continued to the very end of the legislative session. The remaining two bills – **LD 1666**, *An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation*, and **LD 1900**, *An Act To Repeal Proficiency-based Diplomas* – have been carried over, if and when there is a special session.

The minority reports on both LD 1666 and LD 1900 are exactly the same and amend both original bills. The minority reports would delay the timeline for the implementation of proficiency-based diplomas for one year. The amendment also makes several changes to the implementation of the proficiency-based system, including: refining the provisions regarding the exceptions for students with disabilities to be awarded a proficiency-based diploma, and strengthening the provisions for career and technical education students to meet the proficiency-based diploma requirements within the context of the career and technical education curriculum. The amendment also requires that the Department of Education provide technical assistance to school administrative units in implementing proficiency-based systems.

The majority report on LD 1666 is an amendment that replaces the bill to provide that the statutes related to the proficiency-based diploma standards and transcript provisions in the Maine Revised 12 Statutes, Title 20-A, section 4722-A may be implemented by schools, thereby allowing schools to choose or choose not to implement the proficiency-based system. Lastly, the majority report on LD 1900 is “ought-not-to-pass” on the full repeal of the proficiency-based system.

The Maine State Chamber remains opposed to allowing schools to choose not to implement the proficiency-based system. The Maine State Chamber of Commerce believes that the same standards should apply to all Maine students, no matter where they live, no matter who their teacher is, and or how much money is spent. Additionally, the Maine State Chamber is opposed because allowing schools to choose would become very difficult for regionalized career and technical schools. These schools would have to keep two sets of grade books.

There are a number of bills the Maine State Chamber followed this past legislative session that have been carried over to a possible special session. However, if there will be special session it is not guaranteed, nor is there any assurance that all carried over matters will be taken up. Among the other bills carried over to the unknown special session relating to education and workforce development are a number of bond bills. These bond bills include proposals that would fund equipment and renovation for career and technical schools, modernize and improve facilities and infrastructure at Maine’s public universities, as well as ones that would fund programs for student debt cancellation and refinancing. The non-bond bills remaining follow suit; there are a number of bills relating to workforce development, career and technical schools and education that remain unresolved.

For additional information or questions, please contact Megan Sanborn by calling (207) 623-4568, ext. 108, or by emailing [msanborn@mainechamber.org](mailto:msanborn@mainechamber.org). □

## ***Shipbuilding Credit... (Continued from Page 11...)***

drop below 5,500 employees and outlines the reduced credit along with the corresponding employment reductions and removes provisions making the credit refundable. If employment levels drop below 4,000 employees, the credit may not be taken. It provides for an accelerated credit if employment levels exceed 6,000 workers up to a cap of 7,500 employees. It also clarifies that the applicant cannot receive benefits under both the Pine Tree Zone Development program and the shipbuilding facility credit. Total accumulative credits for both the initial and additional qualified investments of \$100 million each cannot exceed \$45 million per certified applicant. The DECD commissioner also has the power to revoke a certificate of approval if a certified applicant fails to make an investment of \$100 million within five years after receiving the certificate. The law also requires the applicant to give preference, to the greatest extent possible, Maine contractors and businesses when awarding contracts.

This bill will help Maine’s shipbuilding facility, Bath Iron Works, compete with shipbuilders in the southern United States and help to retain and create jobs here in the state. Dana Connors, president of the Maine State Chamber of Commerce, testified on January 30 in strong support of LD 1781, noting that this bill will ensure future jobs and investment in Maine’s shipbuilding industry. BIW currently has 5,600 employees with an average salary of \$60,820. Maine’s shipbuilding facilities credit expired in 2017. During the lifetime of that credit, the facility was only required to spend \$200 million, but instead spent more than two and a half times that amount (\$500 million) since receiving the credit in 1998.

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). □

## Legislature debates internet regulation legislation

### — Internet regulation solutions belong at the federal level so Maine's businesses are on a level playing field

Access to reliable high-speed internet is critical for everyone in today's economy, but it is especially critical for businesses looking to thrive in the 21st century global economy. Over the past two decades, the internet has revolutionized how Maine companies operate and has changed how consumers go about their daily lives.

In the span of a few decades, the internet has evolved from a novel curiosity into an ever-present phenomenon. All of this growth was accomplished under a light touch regulatory framework supported by both Democrats and Republicans with a policy framework of limited and sensible regulation as the best catalyst for growth. Regrettably, that commonsense, bi-partisan approach was abandoned in 2015 when the Federal Communications Committee (FCC) decided that Title II, an intrusive regulatory regime first introduced in 1934 to regulate telephone monopolies, would be applied to the internet.

The FCC recently saw the error made by its prior leaders and reversed course, relieving the internet of the burdensome Title II regulations. This back and forth at the federal level has led to state-level regulations across the country that are unworkable in the global economy in which we operate. In Maine, this came in the amended version of **LD 1610, An Act To Protect Privacy of Online Customer Personal Information**, which began as solely an internet privacy bill and then expanded to a greater reach. Businesses hoping to thrive in today's economy will not be able to reach their full potential if the technology on which

*Continued on Page 15...*

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## Internet Regulation... (Continued from Page 14...)

they rely is held back by outdated and regressive regulations. Instead, businesses in Maine and across the country need clear, enforceable rules that foster increased investment and promote inno-

vation. Luckily, LD 1610 was rejected by the Maine Legislature, but if it had passed, it would have done the following:

- LD 1610 would have created a set of rules and regulations which only apply in Maine; our colleagues across the border in New Hampshire would not have had to comply with the same

regulations for their internet.

- Maine's tourist economy is dependent on out-of-state tourism dollars. LD 1610 would have applied to any internet user in Maine. Virtually every weekend, hundreds of thousands of visitors flock to our state and their ability to find Maine restaurants, attractions and retailers would have been negatively impacted. They would have been subjected to an online experience unlike anywhere else in the nation, and the likely result would have been less use of the internet, which means less business opportunity for our tourism-based businesses.
- The ability to advertise and reach customers on the internet offers Maine small businesses unparalleled access to markets and consumers around the world. Many small businesses could never thrive without access to online markets and consumers. LD 1610 would have impeded the flow of information and advertising small businesses depend on to run a profitable business.

## The Environment and Natural Resources committee has quiet second session

The Second Session of the 128th Legislature was relatively quiet for the Environment and Natural Resources (ENR) committee, though it was able to address a couple issues that will help the business community well into the future. One of the highlights of the committee's work was the confirmation of Mark DuBois to the Board of Environmental Protection (BEP). Mark's natural resources and technical background will serve Maine's business community for years to come on the BEP.

On the legislative front, the committee did make some adjustments to current law. At the request of Department of Environmental Protection (DEP) staff, the committee adopted changes to Maine's underground storage tank statute through **LD 1784, An Act To Update the Laws Governing the Department of Environmental Protection's Rule-making Authority Concerning Underground Oil Storage Facilities To Align with Federal Regulations (Emergency)**, which helps bring Maine's law in conformity with federal regulations for tank abandonment and testing. The ENR committee also made an adjustment, at the request of DEP staff, to the Regional Greenhouse Gas Initiative (RGGI) statutory formula - **LD 1657, An Act To Update the Allowance Budget for the Regional Greenhouse Gas Initiative**. This change will ensure that Maine receives the most benefit from RGGI. Both pieces of legislation passed unanimously. The committee did spend some time reviewing Maine's bottle bill - **LD 1703, An Act To Create Equity for Wine and Spirits Container Deposits** - looking at large container deposits. After much discussion, there was not enough support for any of the proposals to pass.

Lastly, but most importantly, the Maine State Chamber of Commerce would like to thank Sen. Tom Saviello (R-Franklin) for his service on the ENR committee during the past eight years, six of which were as committee chairman. During Sen. Saviello's service, the committee has worked on many issues important to the business community, from chemical regulations to mining and regulatory reform, just to name a few. Sen. Saviello always approached every issue with balance, thoughtfulness, and collaboration. We thank him for his leadership and wish him the best.

If you have any questions about environmental legislation during the 128th Legislature, please contact Ben Gilman by calling (207) 623-4568 or by emailing [bgilman@mainechamber.org](mailto:bgilman@mainechamber.org). □

The Maine State Chamber of Commerce was encouraged to see the legislature reject LD 1610. The internet economy has been a boon to Maine small businesses and consumers and is part of the foundation on which our future economic growth depends. To ensure the internet of the 21st century continues to evolve and flourish, we need bipartisan legislation at the federal level that permanently establishes clear rules of the road to preserve an open internet and encourage broadband investment and development. Maine needs, and deserves, a sound solution that enables our economy to grow and we encourage our Federal delegation to find that solution so Maine businesses are on the same level playing field as businesses in other states.

If you have any questions in regards to LD 1610, please contact Ben Gilman by calling (207) 623-4568 or by emailing [bgilman@mainechamber.org](mailto:bgilman@mainechamber.org). □

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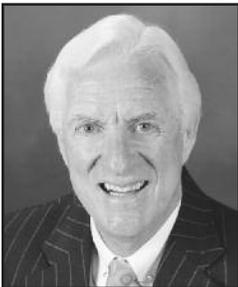
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**Collectively our staff represents nearly 150 years of experience**

The Maine State Chamber has been around for nearly 125 years, and represents Maine businesses, both large and small. Our members cover nearly every sector of our economy, and can be found in every geographic region of our state. Collectively, our members provided tens of thousands of jobs in Maine and contribute significantly to our state's overall economic well-being.

Below is our staff list. Please feel free to reach out to us with questions or if we can help you in any way. Once again, congratulations and thank you for your service to our state. We look forward to working with you, now and into the future.



**Dana Connors, President**

[dana.f.connors@mainechamber.org](mailto:dana.f.connors@mainechamber.org); ext. 103

As president of the state's largest and most diverse business association since 1994, Connors oversees the Chamber's broad range of activities on behalf of its members as well as several affiliates. His leadership has positioned the Chamber to be respected as "the voice of Maine business", providing reasoned **advocacy** efforts, **access** to Maine's Administrative, Legislative and business leaders, and **leadership** ensuring that Maine's employers and businesses are at the table on key issues that impact Maine's ability to grow and prosper.

Connors' vision and ability to build partnerships have been instrumental in the development of numerous programs and initiatives over the years that have and continue to serve our members in a meaningful way.



**Peter M. Gore**  
Vice President of  
Government Relations

[pgore@mainechamber.org](mailto:pgore@mainechamber.org); ext. 107

Peter is responsible for oversight and management of the Chamber's Advocacy team, policy directives, and government relations. His legislative focus areas include workers' compensation law, labor / management issues, health care / health insurance, economic development, and workforce development.



**Ben Gilman**  
Senior Government Relations  
Specialist

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Ben brings to the Chamber a unique combination of experience in environmental and energy lobbying and, since 1995, politics. He also oversees the Maine Economic Research Institute, an affiliate of the Chamber. His legislative focus

areas include utilities and energy, natural resources, business regulation issues, and education. Prior to joining the Chamber, he was Director of Government Affairs for the Maine Energy Marketers Association (formerly Maine Oil Dealers).



**Linda Caprara,**  
Senior Government Relations  
Specialist (Taxation);  
Director of Grassroots Advocacy  
[lcaprara@mainechamber.org](mailto:lcaprara@mainechamber.org); ext. 106

Linda joined the Maine State Chamber in 2008, and fulfills both grassroots and advocacy roles, including coordination of Business Day at the Statehouse and maintaining OneVoice relations with local / regional chambers. She has an extensive background in legislative relations and grassroots organization. Linda's legislative focus areas include taxation and budget.



**Megan Sanborn,**  
Senior Government Relations  
Specialist  
[msanborn@mainechamber.org](mailto:msanborn@mainechamber.org); ext. 108

Megan focuses primarily on education and workforce development issues. She also oversees the Maine Economic Research Institute, an affiliate of the Chamber. Prior to joining the Chamber in, Megan served as Government Relations Specialist at Pierce Atwood, Government Relations and Communications Manager at the Maine Association of Realtors and Communications Director for Secretary of State Charlie Summers.

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**Joyce LaRoche**  
*Vice President of Member Services and Program Development*

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ext. 113

Joyce oversees membership recruitment and retention activities, events, programs and various initiatives. She is executive director of the Maine State Chamber Purchasing Alliance, Inc., which serves as the umbrella for the Chamber BlueOptions health insurance program, and also acting director for InternHelpMe.com and the Maine Business Leadership Network.



**Scott Samson**  
*Financial Coordinator*

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ext. 114

Scott has served as the Financial Coordinator for the Maine State Chamber since 2010, after working on a contract basis since 2003. In addition to his financial duties, Scott is also responsible for state and federal reporting and management of the Chamber's human resources. A graduate of the University of Maine-Augusta with a BA in Accounting, he also received his MBA from the Keller Graduate School.



**Michael Hollander**  
*Financial Assistant*

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ext. 117

Michael Hollander joined the Maine State Chamber of Commerce in June 2017, stepping into the role of Financial Assistant. In the spring of 2017, Michael graduated magna cum laude from the University of Maine at Augusta with a Bachelor of Science degree in Business Administration, with a focus in Financial Accounting.



**Angela Morin**  
*Executive Assistant to the President*

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ext. 101

As Executive Assistant to the President, Angela's duties tend to vary from day to day. Her main focus includes coordination of all scheduling for the President, Social Media marketing, planning for Board of Directors meetings and events, management of our membership database, support for our event planning team, and organization of the Annual Dinner and Awards Celebration.



**Melody Rousseau**  
*Sponsorship and Advertising Sales Manager*

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ext. 102

Melody serves as Sponsorship and Advertising Sales Manager for the Maine State Chamber of Commerce. Among her duties are publication and event program advertising, event sponsorship and exhibit opportunities, assistance with membership renewals, and assistance to Finance Department. She would love to discuss our many advertising opportunities with you!



**Kelsey Morrell**  
*Administrative Assistant, Membership and Marketing*

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ext. 104

Kelsey started at the chamber in January 2018 as the Administrative Assistant. She joined us as a freshman at University of Maine at Augusta, working toward her BA in Art with a concentration in Photography and Graphic Design. Her responsibilities include membership services, program administration, event coordination, and she serves as the liaison for MACCE.



**Melanie A. Baillargeon**  
*Director of Communications*

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Melanie's responsibilities include oversight and production of all of the Chamber's publications from concept to completion, including the *IMPACT* newsletter and the *Making Maine Work* series. She is also involved in management of web and social media content, as well as media and public relations.

# DIGEST OF LEGISLATION THIS SESSION

This Final Summary of the Second Regular Session of the 128th Maine Legislature discusses legislative initiatives that impact Maine businesses. Elsewhere, we have discussed some of the bills we believe were most significant to the state's business community. In the following pages, we summarize the wide variety of legislative proposals that the Maine State Chamber tracked this year.

As in past years, we have divided the legislation by principal area: Taxation, Health Care, etc. In each section, our description of enacted legislation is followed by a listing of bills that were defeated, carried over, veto sustained, veto overridden, as well as those currently pending a Supreme Court decision, if applicable.

Entries are in numerical order by their Legislative Document (LD) number. This is the number used throughout the session to refer to a particular bill. Where applicable, the current Public Law (PL), Private and Special Law (P&S), or Resolve (R) number appears in parentheses. Listed at the beginning of the summary of each public law is the name of the bill's sponsor and the committee to which the bill was assigned.

The Maine Legislature adjourned sine die Wednesday, May 2, 2018, at 6:30 p.m. Pursuant to the Constitution of Maine, Article IV, Part Third, Section 16, the general effective date for non-emergency laws passed in the Second Regular Session of the 128th Legislature is Wednesday, August 1, 2018 (90 days following adjournment). Emergency measures are effective when signed by the Governor. In this *Final Summary*, the effective date for emergency legislation is provided in brackets at the end of each write-up.

*Please keep in mind that the contents of this newsletter are intended for informational use only and should not be relied upon as legal advice in any sense. All laws and regulations must be applied to each individual situation by experienced legal counsel.* □

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## BOND ISSUES LEGISLATION

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### BOND ISSUES DEFEATED...

**LD 376**, *An Act To Authorize a General Fund Bond Issue for a New Engineering Design and Education Center at the University of Maine.* (Sen. Diamond, D-Windham)

### BOND ISSUES CARRIED OVER TO FUTURE SPECIAL SESSION...

**LD 47**, *An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers.* (Rep. Fecteau, D-Biddeford) *Joint Standing Committee on Appropriations and Financial Affairs.* The funds provided by this bond issue, in the amount of \$40,000,000, would be used to provide funds to make capital improvements to and purchase equipment for career and technical education centers for high school students.

**LD 520**, *An Act to Authorize a General Fund Bond Issue to Increase Rural Maine's Access to Broadband Internet Service.* (Rep. Berry, D-Bowdoinham) *Joint Standing Committee on Appropriations and Financial Affairs.* The funds provided by this bond issue, in the amount of \$100,000,000, will be used for the

provision of broadband Internet service in unserved and underserved areas through ConnectME Authority or successor organization partnerships with private, municipal and nongovernmental service providers.

**LD 546**, *An Act to Authorize a General Fund Bond Issue to Support Biological Research in Maine.* (Sen. Jackson, D-Aroostook) *Joint Standing Committee on Appropriations and Financial Affairs.* The funds provided by this bond issue, in the amount of \$5,000,000, will be used to provide funds for the Mount Desert Island Biological Laboratory through the Maine Technology Institute to expand infrastructure and stimulate biotechnology job growth and economic activity.

**LD 836**, *An Act To Authorize a General Fund Bond Issue To Build Maine's Workforce Development Capacity by Modernizing and Improving the Facilities and Infrastructure of Maine's Public Universities.* (Rep. Jorgensen, D-Portland) *Joint Standing Committee on Appropriations and Financial Affairs.* The funds provided by this bond issue, in the amount of \$75,000,000, will be used to build Maine's workforce development capacity by modernizing and improving the facilities and infrastructure of Maine's public universities. The bill also provides \$2,500,000 in debt service beginning in fiscal year 2018-19 to make critical information technology investments in wireless communications and classrooms across the University of Maine System.

**LD 1163**, *An Act To Authorize a General Fund Bond Issue To Provide Funding for a Program of Student Debt Cancellation and Refinancing.* (Sen. Libby, D-Androscoggin) *Joint Standing Committee on Appropriations and Financial Affairs.* The funds provided by this bond issue, in the amount of \$250,000,000, will be used to fund student debt cancellation and refinancing. The bill also establishes the Student Debt Cancellation and Refinancing Program within the Finance Authority of Maine for administration of the funds provided by the bond issue and to provide eligible applicants debt cancellation of 1/2 of their nonfederal student debt and debt refinancing of their outstanding nonfederal student debt.

**LD 1330**, *An Act To Authorize a General Fund Bond Issue To Facilitate Innovative Approaches to Regional School Facilities and To Establish the Maine Innovative Regional School Facilities Finance Program.* (Rep. Ginzler, R-Bridgton) *Joint Standing Committee on Appropriations and Financial Affairs.* The funds provided by the bond issue in Part A, in the amount of \$20,000,000, would be used to provide funds for the development of multidistrict, consolidated and integrated prekindergarten through 16 school facilities. Part B establishes the Maine Innovative Regional School Facilities Finance Program to promote efficient capital financing activities for innovative regional school facilities.

**Continued on Page 20...**

## Bonds Legislation... (Continued from Page 19...)

ties projects. It also establishes the Innovative Regional School Facilities Revolving Fund to support local efforts related to the program.

**LD 1331, An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund.** (Rep. Ginzler, R-Bridgton) *Joint Standing Committee on Appropriations and Financial Affairs.* The funds provided by this bond issue, in the amount of \$20,000,000, would be used to recapitalize the School Revolving Renovation Fund for the purpose of providing funds to public schools for renovation and capital repairs.

**LD 1562, An Act To Authorize a General Fund Bond Issue To Capitalize a Career and Technical Revolving Equipment and Renovation Fund.** (Sen. Langley, R-Hancock) *Joint Standing Committee on Appropriations and Financial Affairs.* The funds provided by the bond issue in Part A, in the amount of \$10,000,000, will be used to capitalize a career and technical revolving equipment and renovation fund to purchase equipment for and make capital improvements to state career and technical education centers and regions. Part B establishes the Maine Career and Technical Education Finance Program to promote efficient capital financing activities for the equipment for and renovation and repair of career and technical education facilities. It also establishes the Career and Technical Education Revolving Fund to support local efforts related to the program.

**LD 1614, An Act To Authorize a General Fund Bond Issue To Fund the Maine Science, Technology, Engineering and Mathematics Loan Program.** (Sen. Volk, R-Cumberland (Governor's Bill)) *Joint Standing Committee on Appropriations and Financial Affairs.* This bond would provide \$10,000,000, to be used by the Maine Science, Technology, Engineering and Mathematics Loan Program within the Finance Authority of Maine to provide loans in amounts up to \$7,500 per year for a maximum of 5 years to selected students in this State pursuing undergraduate and graduate degrees in the fields of science, computer science, technology, engineering and mathematics.

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## BUSINESS REGULATION LEGISLATION

### BUSINESS REGULATION DEFEATED...

**LD 1068, An Act To Require That State-funded Buildings Be Constructed with Wood Products.** (Rep. Campbell, D-Orrington)

**LD 1764, An Act To Streamline Advocacy for Maine Small Businesses by Relocating the Bureau of the Special Advocate within the Department of the Secretary of State to the Department of Economic and Community Development.** (Rep. Stetkis, R-Canaan on behalf of the Maine DECD)

## ECONOMIC DEVELOPMENT LEGISLATION

### ECONOMIC DEVELOPMENT CARRIED OVER TO FUTURE SPECIAL SESSION...

**LD 1338, An Act To Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses.** (Rep. Grohman, D-Biddeford) *Joint Standing Committee on Taxation.* This bill supports employee-owned businesses and cooperatives in the following ways.

- 1 It excludes from Maine income tax the amount of gain recognized by a business owner in transferring the business to an employee stock ownership plan, eligible worker-owned cooperative, consumer cooperative or affordable housing cooperative.
- 2 It excludes from Maine income tax interest from loans that finance transfers of ownership from a business to an employee stock ownership plan, eligible worker-owned cooperative, consumer cooperative or affordable housing cooperative.

*Continued on Page 21...*

**Economic Development...**  
**(Continued from Page 20...)**

**LD 49, An Act To Improve Science and Engineering Education for Maine's Students.** (Rep. Devin, D-Newcastle) *Joint Standing Committee on Education and Cultural Affairs.* This bill requires the Department of Education to include the so-called Next Generation Science Standards for kindergarten to grade 12 in the State's system of learning results and assessment and directs the Commissioner of Education to amend Department of Education rules on or before December 31, 2017 in order to include the science standards as part of the State's system of learning results and assessment beginning with the 2019-2020 school year.

**LD 230, An Act To Increase Access to Head Start.** (Sen. Millett, D-Cumberland) *Joint Standing Committee on Health and Human Services.* This bill provides funding for the delivery of Head Start services.

**LD 1321, An Act To Promote Social and Emotional Learning and Development in Early Childhood.** (Sen. Breen, D-Cumberland) *Joint Standing Committee on Education and Cultural Affairs.* This bill requires the Commissioner of Education to implement, beginning September 1, 2019, a statewide voluntary early childhood

consultation program to provide support and guidance to early care and education teachers and to providers working in public 18 preschools, child care centers, family child care settings and Head Start programs serving infants and young children who are experiencing challenging behaviors that put them at risk of learning difficulties and removal from early learning settings. The bill authorizes the Department of Education to designate an entity to design and implement an early childhood consultation program as a pilot project, and to report back to the joint standing committee of the Legislature having jurisdiction over education matters with its recommendations concerning the amendment of the statewide voluntary early childhood consultation program.

**LD 1492, An Act To Attract, Educate and Retain New Mainers To Strengthen the Workforce.** (Sen. Katz, R-Kennebec) *Joint Standing Committee on Education and Cultural Affairs.* This bill creates various programs to attract, educate and retain in the State's workforce immigrant populations in the following ways:

- 1 It creates the Office of New Mainers and the Office of New Mainers Advisory Committee to coordinate among various departments by developing a comprehensive plan to educate and train immigrant populations to fill needed positions of

employers throughout the State;

- 2 It establishes the Welcome Center Initiative to operate welcome centers in adult education programs to attract, educate and retain in employment foreign-trained workers in municipalities or regions of the State that have immigrant populations or that have industries that are experiencing a shortage of trained workers, patterned after the New Mainers Welcome Center operated by the City of Portland adult education program through a pilot program created by the 126th Legislature;

- 3 It establishes 3 grant programs to:
  - A Contract with service providers to provide English-language instruction, vocational training and placement of immigrants in the State with employers of the State;
  - B Assist counties, municipalities and school administrative units in managing new immigrant populations that have settled within the counties, municipalities and school administrative units or in attracting immigrant populations to address depopulation or workforce shortages within the counties, municipalities and school administrative units; and
  - C Award grants to adult education programs to increase English-language acquisition instruction in communities experiencing an increase in immigrant populations; and,

- 4 It expands the Welcome Center Initiative to the City of Lewiston's adult education program to attract, educate and retain in employment foreign-trained workers residing in Androscoggin County, patterned after the New Mainers Welcome Center in Portland.

**LD 1666, An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation.** (Rep. Kornfield, D-Bangor) *Joint Standing Committee on Education and Cultural Affairs.* This bill delays by one year the timeline for the implementation of proficiency-based diplomas.

**LD 1689, An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget.** (Sen. Jackson, D-Aroostook) *Joint Standing Committee on Education and Cultural Affairs.* Current law requires that, beginning in fiscal year 2018-19, a portion of the system administration allocation must be allocated to school administrative units that have established regionalized administrative services. This bill retains the portion of the

**Continued on Page 22...**



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### **Economic Development...** *(Continued from Page 21...)*

law that establishes the system administration allocation at \$135 per pupil for fiscal year 2017-18 and repeals provisions that increase for future fiscal years the per-pupil amount and restrict allocation of portions of the funds to school administrative units that have established regionalized administrative services.

**LD 1697**, *An Act To Establish Alternative Pathways to the Completion of Secondary School Mathematics Requirements*. (Rep. Kornfield, D-Bangor) *Joint Standing Committee on Education and Cultural Affairs*. Concept draft. This bill proposes to establish alternative pathways to the successful completion of certain secondary school mathematics requirements.

**LD 1736**, *An Act To Broaden Educational Opportunities for Members of the Maine National Guard*. (Pres. Thibodeau, R-Waldo) *Joint Standing Committee on Legal and Veterans Affairs*. This bill broadens the tuition benefit program that is available to members of the Maine National Guard who attend a state postsecondary education institution to provide a tuition benefit for members who attend a private nonprofit postsecondary education institution in the State. The bill limits

the tuition benefit at private nonprofit postsecondary education institutions to the tuition at the Maine Maritime Academy during the prior academic year.

**LD 1834**, *An Act To Authorize a General Fund Bond Issue To Provide for Student Loan Debt Relief*. (Rep. Grohman, I-Biddeford) *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 to provide funds to the Finance Authority of Maine for zero-interest student loans and loan consolidation or refinancing interest rate reductions for certain Maine residents who agree to live and work in Maine for at least 5 years. The bill creates the Maine Student Loan Debt Relief Program. Under the program, zero-interest loans up to \$10,000 per year for a maximum of 5 years are available to certain Maine residents who study at qualified in state institutions of higher education and agree to live and work in Maine for at least 5 years following graduation. Loans bearing an annual interest rate of the prime rate of interest plus 2% are available to those who do not live and work in the State upon graduation. The Finance Authority of Maine may provide interest rate reduction payments to residents who use the authority's existing loan consolidation and refinancing program. This option is available to individuals who studied in Maine

or outside of Maine and agree to live and work in Maine for at least 5 years. The bill exempts from Maine income tax any benefits received under the program to the extent included in federal adjusted gross income and prohibits individuals who have received benefits under the program from receiving the Maine educational opportunity tax credit.

**LD 1843**, *An Act To Amend Career and Technical Education Statutes*. (Sen. Langley, R-Hancock) *Joint Standing Committee on Education and Cultural Affairs*. This bill amends the current calculation of state subsidy for career and technical education from an expenditure-driven model to a cost model to recognize current costs of direct instruction, operation of facilities and student and administrative support. The bill also changes the subsidy payment for satellite programs and career and technical education regions and establishes funding provisions for the operation of career and technical education middle school programs through authorization of pilot programs.

**LD 1861**, *Resolve, To Implement Certain Recommendations of the Computer Science Education Task Force*. (Rep. Kornfield, D-Bangor) *Joint Standing Committee on Education and Cultural Affairs*. This resolve is reported out by the Joint Standing Committee on Education and Cultural Affairs

**Continued on Page 23...**

## Economic Development... (Continued from Page 22...)

pursuant to Resolve 2017, chapter 21, section 4. This resolve includes certain recommendations proposed in the report submitted by the computer science education task force for consideration by the 128th Legislature. The joint standing committee has not taken a position on the substance of the report or this resolve; and by submitting this resolve the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of the recommendations and the necessary changes to the Maine Revised Statutes, Title 20-A included in the report or this resolve. The joint standing committee is submitting the resolve for the sole purpose of turning certain proposals in the report into a printed resolve that can be referred to the committee for an appropriate public hearing and subsequent processing in 31 the normal course of business. The joint standing committee is taking this action to ensure clarity and transparency in the legislative review of the proposals included in the report submitted by the computer science education task force.

**LD 1869, An Act To Establish the Total Cost of Education and the State and Local**

*Contributions to Education for Fiscal Year 2018-19 and To Provide That Employees of School Management and Leadership Centers Are Eligible To Participate in the Maine Public Employees Retirement System.* (Sen. Langley, R-Hancock) *Joint Standing Committee on Education and Cultural Affairs.* This bill establishes the total cost of funding public education from kindergarten to grade 12, the state contribution and the local contribution for fiscal year 2018-19. This bill also provides that employees of school management and leadership centers established under the Maine Revised Statutes, Title 20-A, chapter 123 are eligible to participate in the Maine Public Employees Retirement System.

**LD 1870, An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age.** (Sen. Langley, R-Hancock) *Joint Standing Committee on Education and Cultural Affairs.* Over a 2-year transition period, this bill moves responsibility for providing special education and related services for children who are at least 3 years of age and under 6 years of age from the Child Development Services System, state intermediate educational unit to the school administrative units of residence of the children. Under the bill, beginning July 1, 2018, a school administrative unit that is the unit of residence for a child with a disability who is at least 3 years of

age and under 6 years of age may become responsible for providing special education and related services to that child through the implementation of an early adopter program. The bill amends several sections of law by removing references to the Child Development Services System. This bill eliminates the Child Development Services System and moves the entire responsibility for providing services to children from birth to under 3 years of age to the Department of Education's office of special services. The funding plan continues the present arrangement of full responsibility for costs being shared by state funds, federal funds, the MaineCare program and private insurers. The intent of the changes to the Child Development Services System statutes are based on the belief that children with disabilities are best served by their local communities; children do better when there are fewer transition points; there are efficiencies that can be achieved by eliminating duplicative state functions and by maximizing existing services and facilities at the local level; and the State should continue its current practice of funding all services for preschool children with disabilities that are not paid for with federal funds, through the MaineCare program or from private sources.

**LD 1900, An Act To Repeal Proficiency-based Diplomas.** (Rep. Kornfield, D-Bangor; Governor's bill) *Joint Standing Committee on Education and Cultural Affairs.* This bill repeals the provisions of law relating to proficiency-based high school diploma standards. The Joint Standing Committee on Education and Cultural Affairs has not taken a position on the substance of the bill and by reporting out this bill the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill. The committee is reporting the bill out for the sole purpose of the bill's being referred to the committee for an appropriate public hearing and subsequent processing in the normal course.

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## EDUCATION LEGISLATION

### EDUCATION ENACTED...

**LD 1829 (PL 381), An Act To Amend the Laws Governing Education.** (Rep. Stewart, R-Presque Isle) *Joint Standing Committee on Education and Cultural Affairs.* This bill makes the following changes to the laws governing education.

- 1 It changes the procedure and date for reporting adult education funding levels.
- 2 It changes the duties of teachers and parents when a student is a public health

*Continued on Page 24...*

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## Education Legislation... (Continued from Page 23...)

- threat. It allows a superintendent to consult with the school nurse upon being informed by a teacher that a student is a public health threat.
- 3 It eliminates the Maine Online Learning Program.
  - 4 It directs the Commissioner of Education to collaborate with the school nurse consultant to adopt rules and provide school administrative units with a copy of these rules and guidance regarding the screening of students for sight and hearing defects. It removes the requirement that the commissioner furnish to administrators of school administrative units the prescribed directions for the sight and hearing tests of students. It requires the commissioner to furnish guidance, training and sample report and referral forms in connection with these tests. It removes a reference to religious grounds from the provision governing exempt students to provide that a student whose parent objects in writing to screening may not be screened unless a sight or hearing defect is reasonably apparent.
  - 5 It removes the requirement that a school nurse or trained screener collect body mass index data from students and report this data in the aggregate to the Department of Health and Human Services, Maine Center for Disease Control and Prevention.
  - 6 It requires a school board to appoint appropriate school staff to inform a parent of a student suffering from a suspected disease or defect based on results of a screening.
  - 7 It removes enrichment courses from the definition of "adult education."
  - 8 It changes the provisions for issuance of high school equivalency diplomas.
  - 9 It specifies criteria that must be met in order for the Commissioner of Education to grant a waiver to allow a student who has reached 20 years of age before the start of the school year to be enrolled as a public secondary school student. It repeals the provisions of law that allow a person to obtain such a waiver effective July 1, 2020.
  - 10 It amends the laws governing the employment of conditionally certified persons to provide that the requirement that a school administrative unit provide professional development and intensive supervision applies only to teachers and not to educational specialists.
  - 11 It amends the laws governing qualifications for a professional teacher certificate to

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require that a person who has successfully completed a preparation program in a state with which the State is participating in an interstate compact must complete an approved preparation program with a formal recommendation for certification from the institution and must meet the specified teaching experience requirement.

The bill allows the Department of Education to provide a copy of the confidential version of the report, "School Safety, Security and Emergency Management Assessment" to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency. This bill also amends the definition of "adult education." Current law includes enrichment courses in the list of options that comprise an adult education program. This bill removes enrichment courses from that list, but keeps enrichment courses as a part of "adult education." The bill clarifies that enrichment courses are not subject to requirements placed on other types of courses included in adult education. The bill retains the definition in current law of "enrichment course" in order to keep enrichment courses in the adult education laws. The bill also stabilizes state funding for education in fiscal year 2019-20 and each subsequent fiscal year by requiring the property fiscal capacity component of the essential programs and

services funding formula to be based on the average of the most recent years of the property values of the municipalities included in a school administrative unit or of the most recent prior year, whichever is lower.

**LD 1851 (R 53)**, *Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education.* (Rep. Kornfield, D-Bangor) *Joint Standing Committee on Education and Cultural Affairs.* This resolve provides for legislative review of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a major substantive rule of the Department of Education is authorized only if the department incorporates certain specific amendments to the rule prior to final adoption. [04/24/2018]

**LD 1852 (R 54)**, *Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major Substantive Rule of the Department of Education.* (Rep. Kornfield, D-Bangor) *Joint Standing Committee on Education and Cultural Affairs.* This resolve provides for legislative review of portions of Chapter 115: the Credentialing of Educational Personnel, a major substantive rule of the

**Continued on Page 25...**

## Education Legislation... (Continued from Page 24...)

Department of Education final adoption of portions of Chapter 115: The Credentialing of Educational Personnel, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule. [04/26/2018]

### EDUCATION DEFEATED...

**LD 228**, *An Act To Amend the Mathematics Requirements for High School Graduation.* (Sen. Langley, R-Hancock)

**LD 1733**, *An Act Concerning Locations for Career and Technical Education Regions and Centers.* (Sen. Langley, R-Hancock)

**LD 1749**, *An Act To Shorten the Residency Requirements for In-state Tuition.* (Sen. Miramant, D-Knox)

**LD 1860**, *An Act To Prepare All Students for Work and Life by Requiring that Students Receive Instruction in Vocational Preparation and Practical Life Skills.* (Rep. Mason, R-Lisbon)

**LD 1898**, *An Act To Amend Maine's High School Diploma Standards and Ensure Maine Students Meet State Standards upon Graduation.* (Rep. Ginzler, R-Bridgton; Governor's bill)

## ENERGY, UTILITIES, AND TECHNOLOGY LEGISLATION

### ENERGY, UTILITIES, AND TECHNOLOGY DEFEATED...

**LD 1686**, *An Act To Amend the Laws Regarding Distributed Energy Generation and To Eliminate Gross Metering.* (Sen. Saviello, R-Franklin)

**LD 1690**, *An Act To Facilitate Wireless Broadband Deployment in Maine and Modify the Process for Issuing Utility Facility Location Permits.* (Rep. Wadsworth, R-Hiram)

**LD 1699**, *An Act To Revise the Renewable Portfolio Standard Laws To Allow Certain Hydropower Facilities To Qualify as New Renewable Capacity Resources.* (Rep. Rykerson, D-Kittery)

**LD 1700**, *An Act To Protect Maine Residents and Businesses from Rising Electricity Costs.* (Rep. Berry, D-Bowdoinham)

**LD 1702**, *An Act To Allow Certain Hydropower Facilities To Sell Electricity Directly to Rural Manufacturing and Industrial Sites.* (Rep. Stanley, D-Medway)

**LD 1810**, *An Act To Amend the Laws Governing Expedited Permitting for Wind Energy Development.* (Rep. Stetkis, R-Canaan)

### ENERGY, UTILITIES, AND TECHNOLOGY DEFEATED (VETO SUSTAINED)...

**LD 1745**, *An Act Regarding a Biomass-generated Energy Purchase and Sale Agreement and Payments to Contractors.* (Sen. Jackson, D-Aroostook)

### ENERGY, UTILITIES, AND TECHNOLOGY CARRIED OVER TO FUTURE SPECIAL SESSION...

**LD 1729**, *An Act Regarding Compensation by Large Transmission and Distribution Utilities.* (Sen. Keim, R-Oxford) *Joint Standing Committee on Energy, Utilities, and Technology.* This bill establishes requirements relating to so-called electric service drops constructed by customers of large electric transmission and distribution utilities. The bill requires a utility to reimburse a customer for an aboveground or underground customer-constructed service drop at the customer's request, but limits the price to be paid to the cost the utility would have expended to construct an aboveground service drop.

**LD 1741**, *Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry.* (Senate President Thibodeau, R-Waldo) *EMERGENCY Joint Standing Committee on Energy, Utilities, and Technology.* This resolve establishes the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry.

## ENVIRONMENTAL LEGISLATION

### ENVIRONMENTAL ENACTED...

**LD 399 (PL Ch. 353)**, *An Act To Revise Maine's Environmental Laws.* (Rep. Tucker, D-Brunswick) *Joint Standing Committee on Natural Resources.* It requires the owner of a municipal satellite collection system to register the system with the Department of Environmental Protection and requires the owner or operator of the system to report to the department any unauthorized discharges of wastewater from the system.

**LD 1298 (PL Ch. 319)**, *An Act To Update Maine's Water Quality Standards.* (Rep. Harlow, D-Portland) *Joint Standing*

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## Environmental Legislation... (Continued from Page 26...)

*Committee on Natural Resources.* This law updates Maine's water quality standards by aligning state law with the federal Clean Water Act regarding pesticide application to control invasive plants and mosquito-borne disease.

**LD 1657 (PL Ch. 323)**, *An Act To Update the Allowance Budget for the Regional Greenhouse Gas Initiative.* (Rep. Tucker, D-Brunswick) *Joint Standing Committee on Environment and Natural Resources.* This bill establishes for each year from 2021 to 2030 the amount of allowances the State can auction as a participant in the regional greenhouse gas initiative. It also establishes the adjustments for banked allowances that must be made to the base annual carbon dioxide emissions budgets for 2021 to 2025.

**LD 1674 (PL Ch. 30)**, *Resolve, Regarding Legislative Review of Portions of Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, Urban Impaired Streams, a Major Substantive Rule of the Department of Environmental Protection.* (Rep. Tucker, D-Brunswick) **EMERGENCY** *Joint Standing Committee on Environment and Natural Resources.* This resolve provides for legislative review of portions of Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, Urban Impaired Streams, a major substantive rule of the Department of Environmental Protection.

**LD 1784 (PL Ch. 333)**, *An Act To Update the Laws Governing the Department of Environmental Protection's Rule-making Authority Concerning Underground Oil Storage Facilities To Align with Federal Regulations.* (Rep. Kinney, R-Limington) *Joint Standing Committee on Environment and Natural Resources.* This bill amends the laws governing the Department of Environmental Protection's rule-making authority pertaining to underground oil storage tanks.

**LD 1797 (PL Ch. 39)**, *Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of Environmental Protection.* (Rep. Tucker, D-Brunswick) **EMERGENCY** *Joint Standing Committee on Environment and Natural Resources.* This resolve adopts portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a major substantive rule of the Department of Environmental Protection

**LD 1808 (PL Ch. 376)**, *An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Department of Environmental Protection by the*

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*Joint Standing Committee on Environment and Natural Resources.* (Rep. Tucker, D-Brunswick) *Joint Standing Committee on Environment and Natural Resources.* The law removes a statutory provision prohibiting a repeat violator of the same environmental law from taking advantage of a supplemental environmental project to mitigate an assessed civil penalty; and it provides that the solid waste generation and disposal capacity report the department currently must submit annually to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters must be submitted only biennially.

## HEALTH CARE LEGISLATION

### HEALTH CARE DEFEATED...

**LD 386**, *An Act To Establish Universal Health Care for Maine.* (Sen. Gratwick, D-Penobscot)

### HEALTH CARE DEFEATED (VETO SUSTAINED)...

**LD 1032**, *An Act To Ensure Protection and Health Insurance of Patients.* (Sen. Gratwick, D-Penobscot)

### HEALTH CARE CARRIED OVER TO FUTURE SPECIAL SESSION...

**LD 470**, *An Act To Strengthen Maine's Hospitals and Increase Access to Health Care.* (Rep. Devin, D-Newcastle) *Joint Standing Committee on Health and Human Services.* A concept draft, this bill, which would be contingent upon approval by the voters of the State at referendum, proposes to enact measures designed to increase access to health care for citizens of the State and strengthen Maine's hospitals.

**LD 696**, *An Act To Require Notification of Adverse Changes to Prescription Drug Formularies in Health Plans.* (Rep. Lawrence, D-South Berwick) *Joint Standing Committee on Insurance and Financial Services.* As amended, this bill would require a carrier to provide notice of an adverse change to an enrollee's prescription drug formulary. At least 60 days' notice is required, except in instances in which a prescription drug is removed from the formulary because of concerns about safety. The amendment defines "adverse change to a formulary" as a change that removes a drug currently prescribed for that enrollee from the formulary applicable to the enrollee's health plan or a change that moves the prescribed drug to a tier

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## Health Care Legislation... (Continued from Page 26...)

with a higher cost-sharing requirement if the carrier uses a formulary with tiers.

- 1 It requires a carrier to provide an enrollee with notice of the enrollee's right to request an exception to a formulary limitation when a prescription drug is removed from the formulary and to provide a form for an enrollee to use to make an exception request.
- 2 It requires a carrier to honor any prior authorization for a drug that has been removed from a formulary until the approval expires, as long as the enrollee retains coverage under the same plan.
- 3 It provides that when a drug is removed from a formulary and if an exception request is submitted prior to the effective date of the change, a carrier shall continue to provide coverage for that drug until the carrier has rendered a decision on an enrollee's request for an exception to the formulary limitation. This requirement does not apply to drugs removed from the formulary because of concerns about safety.
- 4 It provides that the requirements apply to all individual and group health insurance

policies and contracts issued or renewed on or after January 1, 2019.

## INSURANCE LEGISLATION

### INSURANCE ENACTED...

**LD 1875 (PL 382)**, *An Act To Amend the Maine Life and Health Insurance Guaranty Association Act.* (Sen. Whittemore, R-Somerset) *Joint Standing Committee on Insurance and Financial Services.* This bill amends the Maine Life and Health Insurance Guaranty Association Act to incorporate changes adopted by the National Association of Insurance Commissioners in its 2017 amendments to its Life and Health Insurance Guaranty Association Model Act. Under the bill, for insolvencies and impairments occurring on and after July 1, 2018, health maintenance organizations are made members of the association and assessments arising out of long-term care insurance business, which are currently allocated entirely to the health insurance account, are divided equally between the life and health insurance industries. The bill also makes various conforming amendments

and technical corrections to the Maine Life and Health Insurance Guaranty Association Act and the Insurance Rehabilitation and Liquidation Law. The bill allows an insurer that is a member of the Maine Life and Health Insurance Guaranty Association and is not subject to premium taxation to take the tax credit for certain assessments of the association against its income tax liability to this State. An insurer that is a member of the association and is exempt from both premium taxation and income taxation in this State may recoup these assessments by a surcharge on its premiums in an amount reasonably calculated to recoup these assessments over a reasonable period of time, as approved by the Superintendent of Insurance.

### INSURANCE DEFEATED...

**LD 1417**, *An Act To Require Insurance Coverage for the Diagnosis and Treatment of Lyme Disease.* (Rep. Fredette, R-Newport)

### INSURANCE DEFEATED (VETO SUSTAINED)...

**LD 1279**, *An Act To Ensure Patient Protections in the Health Insurance Laws.* (Sen. Jackson, D-Aroostook)

## LABOR LEGISLATION

### LABOR DEFEATED...

**LD 1202**, *An Act To Clear a Path to Employment.* (Sen. Volk, R-Cumberland)

**LD 1768**, *An Act To Reduce Impairment on the Job and Improve Workplace Safety by Amending the Laws Governing Employment Practices Concerning Substance Use Testing.* (Sen. Volk, R-Cumberland on behalf of the Maine Dept. of Labor)

**LD 1769**, *An Act To Conform the Laws Regarding a Salaried Employee Who Is Exempt from Overtime and Minimum Wage Requirements to Federal Law.* (Sen. Volk, R-Cumberland on behalf of the Maine Dept. of Labor)

### LABOR DEFEATED (VETO SUSTAINED)...

**LD 1587**, *An Act To Provide Economic Security to Maine Families through the Creation of a Paid Family Medical Leave System.* (Rep. Herbig, D-Belfast)



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## Labor Legislation... (Continued from Page 27...)

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### LABOR CARRIED OVER TO FUTURE SPECIAL SESSION...

**LD 1654**, *An Act to Protect Economic Competitiveness in Maine by Extending the Pine Tree Zone Development Program Benefits*. (Sen. Jackson, D-Aroostook) *Joint Standing Committee on Labor, Commerce, Research, and Economic Development*. At print time the bill was on the calendar in the House under unfinished business. If passed the bill as amended would extend by three years the Pine Tree Zone Development program after Dec. 1, 2018. The bill would also give the Department of Economic Development the authority to ask the applicant for certain information on the PTZ application and would allow OPEGA in the process of reviewing the PTZ program, to ask businesses for certain confidential information but cannot compel businesses to provide it. Any disclosure by businesses would strictly on a voluntary basis. (Please see page 11 for more information)

**LD 1308**, *Resolve, To Expedite the Processing of Applications for Certification under the Work Opportunity Tax Credit*. (Rep. Talbot Ross, D-Portland) *Joint Standing Committee on Labor, Commerce, Research, and Economic Development*. This resolve directs the Department of Labor to establish a new permanent position in the Bureau of Employment Services to expedite the processing of employer applications for certification required for the federal work opportunity tax credit under Section 51 of the United States Internal Revenue Code. The amendment also requires the Department of Labor to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development with information concerning applications submitted by employers in 2017, including information on the extent of any backlog in application processing, by February 1, 2018.

**LD 1345**, *An Act To Provide Alternative Repayment Methods to Employees Overcompensated through an Employer Error*. (Rep. Doore, D-Augusta) *Joint Standing Committee on Labor, Commerce, Research, and Economic Development*. This bill is a concept draft that proposes to establish an alternative method for an employee to pay back an employer for overcompensation of the employee due to the employer's error that is less of a hardship on the employee than the present requirements of law, which allow an employer to deduct up to 10% of an employee's wages to pay back the overcompensation of the employee.

**LD 1566**, *An Act To Enact the Maine Fair Chance Employment Act*. (Rep. Talbot Ross, D-Portland) *Joint Standing Committee on Labor, Commerce, Research, and Economic*

*Development*. This bill enacts the Maine Fair Chance Employment Act and adds restrictions to the use of criminal history information in the context of employment decisions by private employers and the State and its political subdivisions and of licensing decisions by licensing agencies. It prohibits an employer from asking an applicant for employment to disclose information concerning the applicant's criminal history, or considering such information, until after the applicant has received a conditional offer of employment. It restricts the way a private employer, or the State and its political subdivisions, may use criminal history information in the course of making employment decisions and adds similar restrictions to the existing restrictions applicable to licensing agencies' consideration of criminal history information. It also makes certain criminal history information in the possession of the State and its political subdivisions confidential and makes all criminal background check information obtained by the State in connection with an employment decision confidential.

**LD 1770**, *An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation*. (Sen. Volk, R-Cumberland on behalf of the Maine Dept. of Labor) *Joint Standing Committee on Labor, Commerce, Research, and Economic Development*. This bill changes the laws governing how benefits paid to an eligible individual under the Employment Security Law are charged against the experience rating record of the individual's previous employers and applies these changes beginning January 1, 2020. The biennial budget also changed this law and applied the changes beginning January 1, 2018. The bill also provides that until January 1, 2020 the experience rating record of the most recent subject employer may not be charged with benefits paid to an eligible individual whose work record with that employer totaled 5 consecutive weeks or less.

This bill also provides that certain decisions made by the Commissioner of Labor are subject to review by the Department of Labor, Division of Administrative Hearings, rather than by the Maine Unemployment Insurance Commission.

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## MARIJUANA LEGALIZATION LEGISLATION

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### MARIJUANA LEGALIZATION ENACTED (VETO OVERRIDDEN)...

**LD 1719 (PL 409)**, *An Act To Implement a Regulatory Structure for Adult Use Marijuana*. (Rep. Pierce, D-Falmouth) **EMERGENCY** *Joint Standing Committee on /Joint Select*

*Committee on Marijuana Legalization Implementation*. This law facilitates the development and administration of a regulated marketplace in the State for adult use marijuana and the regulation of the personal use of marijuana and the home cultivation of marijuana for personal adult use pursuant to the Marijuana Legalization Act, as approved by the voters at referendum in November 2016.

### MARIJUANA LEGALIZATION DEFEATED...

**LD 387**, *An Act To Provide for Oversight of Maine's Recreational Marijuana Laws*. (Sen. Gratwick, D-Penobscot)

**LD 667**, *An Act To Repeal the Legalization of Recreational Marijuana*. (Rep. Cyrway, R-Kennebec)

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## MINIMUM WAGE LEGISLATION

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### MINIMUM WAGE DEFEATED...

**LD 1757**, *An Act To Protect Maine's Economy by Slowing the Rate at Which the State's Minimum Wage Will Increase and Establishing a Training and Youth Wage*. (Rep. Stetkis, R-Canaan, on behalf of the Maine Dept. of Labor)

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## MISCELLANEOUS LEGISLATION

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### MISCELLANEOUS DEFEATED...

**LD 561**, *An Act To Remove the Requirement That Child Care Facility Workers and Family Child Care Providers Submit to Criminal Background Checks*. (Rep. Sirocki, R-Scarborough)

**LD 765**, *An Act To Allow In-home Child Care Providers To Care for up to 5 Children without State Certification*. (Rep. Espling, R-New Gloucester)

**LD 1148**, *An Act To Safeguard the Rights of Private Child Care Businesses*. (Rep. Sirocki, R-Scarborough)

**LD 1374**, *Resolve, Directing the Department of Health and Human Services To Assess and Improve the Availability of Child Care Services*. (Rep. Frey, D-Bangor)

**LD 1423**, *An Act To Amend Certain Laws Governing Child Care Providers*. (Sen. Libby, D-Androscoggin)

**Continued on Page 29...**

## Miscellaneous Legislation...

(Continued from Page 28...)

**LD 1474**, *An Act To Reduce the Regulation of Child Care Facilities*. (Rep. Espling, R-New Gloucester)

### MISCELLANEOUS CARRIED OVER TO FUTURE SPECIAL SESSION...

**LD 274**, *An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers*. (Rep. McCreight, D-Harpswell) *Joint Standing Committee on Health and Human Services*. This bill implements the recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers. The bill clarifies requirements for criminal background checks for child care providers and child care staff members.

## REFERENDUM PROCESS REFORM LEGISLATION

### REFERENDUM PROCESS REFORM DEFEATED...

**LD 31**, *RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District*. (Rep. Espling, R-New Gloucester)

### REFERENDUM PROCESS REFORM CARRIED OVER TO FUTURE SPECIAL SESSION...

**LD 1865**, *An Act To Increase Transparency in the Direct Initiative Process*. (Rep. Luchini, D-Ellsworth) *Joint Standing Committee on Legal and Veterans Affairs*. This bill changes the requirements regarding the statements the Secretary of State must include on petitions used for the collection of signatures for a direct initiative. If the circulator of a petition is being paid to circulate the petition, that petition must include, on each page intended for voter signatures, a statement under the circulator's name that the circulator is being paid. The bill also states that a notary public or other person generally authorized to administer oaths or affirmations is not considered authorized to administer oaths or affirmations to a petition circulator if the notary public or person is also providing services to initiate that petition or promote the measure for which the petition is being circulated. It also provides that a notary public has a conflict of interest if the notary public provides

services, other than notarial acts, to a campaign for a direct initiative or people's veto referendum and also administers an oath to a circulator who is collecting signatures for that same direct initiative or people's veto referendum. The bill requires financial reports from major contributors to a direct initiative or people's veto referendum campaign. A major contributor is an entity, other than an individual, that makes contributions aggregating more than \$100,000 in a calendar year to a ballot committee or political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum. The report must disclose the name and purpose of the organization making the contribution, the amount and date of each contribution, the 5 largest sources of income in the year prior to filing the report, whether the organization has received contributions for the purposes of influencing a direct initiative or people's veto referendum, if the organization is a tax-exempt organization and if the organization has filed campaign finance reports in other jurisdictions in the past 12 months.

## TAXATION LEGISLATION

### TAXATION ENACTED...

**LD 1479 (PL Ch 367)**, *An Act to Modernize and Improve the Maine's Property Tax System*. (Rep. Stanley, D-Medway) *Joint Standing Committee on Taxation*. The law establishes a task force to look at restructuring and improving the efficiency of the State Board of Property Tax Review. Among other things, the new law clarifies the assessor can ask for a "true and perfect" list of property, and inserts confidentiality provisions to protect taxpayer information in an appeal. (More on page 9)

**LD 1781 (PL Ch 361)**, *An Act to Encourage New Major Investment in Shipbuilding Facilities and the Preservation of Jobs*. (Rep. DeChant, D-Bath) *Joint Standing Committee on Taxation*. The bill would allow a shipbuilding facility an income tax credit equal to 3% of the total qualified investment over a 15 year period as long as certain employment levels are met. (See page 11 for more information.)

**LD 1796 (PL Ch 339)**, *An Act to Improve the Effectiveness of the New Markets Capital Investment Credit*. (Rep. Tipping, D-Orono) *Joint Standing Committee on Taxation*. The law would implement the recommendations of the Office of Program Evaluation (OPEGA) and the Joint Standing Committee on Taxation with respect to the New Markets Tax Credit. The law would exclude a capital or equity investment from the definition of "qualified low income community investment" (QLICI) if more than 5% is used to

refinance costs, expenses or investments incurred or paid by the qualified business or related party prior to date of the QLICI; make equity distributions from the qualified business to its owners; acquire an existing business or enterprise in the state or pay transaction fees. Basically, this law would exclude from the tax credit investments that are used to cover payments referred to as the controversial "same day loans."

**LD 1805 (PL Ch 375)**, *An Act to Amend the Maine Tax Laws*. (Sen. Dow, R-Lincoln) *Joint Standing Committee on Taxation*. The bill does what the title suggests, amends Maine's tax laws. Among other things the bill: makes changes to the tax credit for headquarters expansion bill passed last session. Some of the change to the bill include the following. The law establishes a new reporting date of December 31st for the State Tax Assessor to report to the Joint Standing Committee on Taxation. The law also clarifies that for purposes of determining eligibility for the credit, the definition of "full-time employee" does not include employees who are shifted to a certified applicant's headquarters in the State from an affiliated business and that the Commissioner will determine if in fact that has happened. The new law also clarifies the credit is only available to a certified applicant who has received a certificate of completion; clarifies the job required threshold calculation includes the present tax year the credit is being claimed in addition to the tax years for which the credit has been claimed; removes requirement that DECD report aggregate employment and qualified investment data to the Taxation Committee; adds rule making authority for the commissioner and State Tax Assessor; defines the term "revenue loss" for purposes of the Assessor's reporting requirement and adds confidentiality provisions.

**LD 1903 (PL Ch 405)**, *An Act to Improve the Effectiveness of the Major Business Headquarters Expansion Tax Credit*. (Sen. Dow, R-Lincoln) *Joint Standing Committee on Taxation*. The law makes several changes to the income tax credit for major business expansions. The law amends reporting requirements and provides guidance to OPEGA to evaluate the credit and adds performance measures OPEGA can utilize in evaluating the policy objectives. The bill clarifies that the applicant for the credit must include the amount of qualified investment on the certificate of completion filed with the Department of Economic & Community Development. The applicant must also report the following to the DECD Commissioner on or before March 1st of each year: the total number of additional fulltime employees above the applicant's base level of employment since the credit was applied for and during the report year, the average salary and wages for these employees; and the number of these employees with access to benefits. It clar-

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## Taxation Legislation...

(Continued from Page 29...)

ifies that in the event a certificate of approval is transferred to another person, the transferee is responsible for any payments that are due the State if there is a recapture of credit amounts.

### TAXATION DEFEATED...

**LD 781**, *An Act to Support the Trades Through a Tax Credit for Apprenticeship Program*. (Rep. Herbig, D-Belfast)

**LD 1212**, *An Act to Amend the Definition of Eligible Equipment for the Purposes of the Business Equipment Tax Reimbursement Program*. (Sen. Katz, R-Kennebec)

**LD 1283**, *An Act to Modernize the Mining Excise Tax*. (Sen. Saviello, R-Franklin)

**LD 1317**, *An Act to Encourage Family Friendly Businesses Through a Tax Credit for Child Care*. (Rep. Herbig, D-Belfast)

**LD 1565**, *An Act to Ensure the Effectiveness of Tax Increment Financing*. (Rep. Ward, R-Dedham)

**LD 1612**, *An Act to Support Maine Families through Universal Family Care*. (Rep. Gattine, D-Westbrook)

**LD 1723**, *An Act to Expand Job Opportunities for People Working in Maine*. (Rep. Herbig, D-Belfast)

**LD 1758**, *An Act to Strengthen Maine Families with Children by Changing the Income Tax Laws*. (Rep. Fredette, R-Newport)

### TAXATION CARRIED OVER TO FUTURE SPECIAL SESSION...

**LD 1655**, *An Act to Update References to the United State Internal Revenue Code of 1986 Contained in the Maine Revised Statutes*. (Sen. Dow, R-Lincoln) *Joint Standing Committee on Taxation*. The bill would conform Maine's income tax laws to the federal code. As of print time, this bill remains on the Senate calendar under unfinished business. (See page 5 for more detail)

**LD 1744**, *An Act to Create the Hire Americans Tax Credit for Businesses that Hire Residents of the United States*. (Sen. Jackson, D-Aroostook) *Joint Standing Committee on Taxation*. The bill would provide a tax credit for U.S. businesses that employ Maine residents who are engaged in the logging and trucking industries in Maine. As of print time, this bill remains on the Senate calendar under unfinished business.

## UNEMPLOYMENT INSURANCE LEGISLATION

### UNEMPLOYMENT INSURANCE CARRIED OVER TO FUTURE SPECIAL SESSION...

**LD 700**, *An Act To Give Flexibility to Employees and Employers for Temporary Layoffs*. (Rep. Parry, R-Arundel) *Joint Standing Committee on Labor, Commerce, Research, and Economic Development*. This bill creates an exemption from the eligibility requirements for unemployment benefits dealing with work search for an individual otherwise eligible for unemployment benefits when that individual has been temporarily laid off with a definite recall date of not more than 12 weeks from the date of the individual's temporary layoff.

**LD 1889**, *An Act To Create Fairness in Maine's Unemployment Insurance System by Increasing the Amount Paid in Unemployment Tax by Certain Employers*. (Rep. Vachon, R-Scarborough (Governor's bill)) *Joint Standing Committee on Labor, Commerce, Research, and Economic Development*. This bill amends the laws governing employer contributions for unemployment compensation to impose an additional shared cost assessment tax on employers in contribution categories 19 and 20, increasing the percentage of unemployment tax paid by those employers. Beginning January 1, 2019, an employer in category 19 is assessed an additional unemployment tax of 15% of that employer's taxable payroll and an employer in category 20 is assessed an additional unemployment tax of 20% of that employer's taxable payroll. Adding this shared cost assessment provides benefit costs beyond the normal experience rating process to the Unemployment Compensation Fund.

## UTILITIES AND ENERGY LEGISLATION

### UTILITIES AND ENERGY ENACTED...

**LD 822 (PL Ch. 358)**, *An Act To Ensure Fairness among Large Consumers of Natural Gas*. (Sen. Dion, D-Cumberland) *Joint Standing Committee on Natural Resources*. It limits the assessment under the natural gas conservation program on a large-volume agricultural business to be allowed only on the first 1,000,000 centum cubic feet of natural gas used by that agricultural business in each year, but specifies that this limitation does not limit the ability of a large-volume agricultural business from participating in a natural gas conser-

vation program and it does not affect the determination of the trust on the total amount necessary to capture all cost-effective energy efficiency that is achievable and reliable.

**LD 1472 (PL Ch.344)**, *An Act To Lower the Costs of Broadband Service by Coordinating the Installation of Broadband Infrastructure*. (Rep. McLean, D-Gorham) *Joint Standing Committee on Utilities and Energy*. The law requires an applicant for a permit for a proposed underground facility in excess of 500 feet in length to provide notice to the ConnectME Authority. Notice must include a description and the location of the proposed project and must be provided within 5 business days of submitting an application with the applicable licensing authority. The ConnectME Authority is required to disseminate the information it receives regarding the underground facility in a manner that ensures all parties that may be interested in installing a broadband conduit have access to that information.

### UTILITIES AND ENERGY DEFEATED...

**LD 131**, *An Act to Protect the Biomass Industry*. (Sen. Saviello, R-Wilton)

**LD 140**, *An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund*. (Rep. Higgins, R-Dover-Foxcroft)

**LD 532**, *An Act To Remove the 100-megawatt Limit on Hydroelectric Generators under the Renewable Resources Laws*. (Rep. O'Connor, R-Berwick)

**LD 953**, *An Act To Authorize a General Fund Bond Issue To Support the Biomass Industry*. (Sen. Jackson, D-Aroostook)

**LD 1224**, *An Act To Allow for Greater Energy Competition in Maine by Amending the Law Governing Electric Generation or Generation-related Assets by Affiliates*. (Sen. Dion, R-Cumberland)

**LD 1373**, *An Act To Protect and Expand Access to Solar Power in Maine*. (Rep. Berry, D-Bowdoinham)

**LD 1399**, *An Act To Encourage Broadband Coverage in Rural Maine*. (Sen. Bellows, D-Kennebec)

### UTILITIES AND ENERGY DEFEATED (VETO SUSTAINED)...

**LD 257**, *An Act To Enable Municipalities Working with Utilities To Establish Microgrids*. (Rep. Devin, D-Newcastle)

**LD 1444**, *An Act Regarding Large-scale Community Solar Procurement*. (Sen. Woodsome, R-York)

Continued on Page 31...

## Utilities Legislation... (Continued from Page 30...)

### UTILITIES AND ENERGY CARRIED OVER TO FUTURE SPECIAL SESSION...

**LD 260**, *An Act To Create the Maine Energy Office*. (Rep. Fredette, R-Newport) *Joint Standing Committee on Natural Resources*. This bill:

- 1 Renames the Governor's Energy Office the Maine Energy Office. It repeals the language in the Maine Revised Statutes, Title 2 that establishes the office and establishes it instead in Title 35-A, expands the headnote for Title 35-A and places the office under the control and supervision of a commissioner, rather than a director;
- 2 Establishes in the Maine Energy Office a position of deputy commissioner, to be appointed by the Governor, subject to confirmation by the Senate; and,
- 3 Specifies that an amount equal to \$300,000 from the Efficiency Maine Trust must be transferred annually to the Maine Energy Office.

**LD 423**, *An Act To Extend Internet Availability in Rural Maine*. (Rep. Alley, D-Beals) *EMERGENCY Joint Standing Committee on Utilities and Energy*. This bill provides one-time funding to extend for 2 years a program that provides mobile wireless hot spot devices to libraries in Washington County.

**LD 897**, *An Act To Authorize a General Fund Bond Issue To Encourage Efficient Biomass Thermal and Power Projects in Maine*. (Sen. Woodsome, R-York) *Joint Standing Committee on Appropriations and Financial Affairs*. The funds provided by this bond issue, in the amount of \$25,000,000, will be used to construct steam piping from existing stand-alone biomass generators to adjacent manufacturing facilities, construct biomass combined heat and power generation boilers for sawmill manufacturing facilities and convert fossil fuel boilers in public buildings and commercial facilities to biomass boilers.

**LD 964**, *An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings*. (Rep. Fredette, R-Newport) *Joint Standing Committee on Appropriations and Financial Affairs*. The funds provided by this bond issue, in the amount of \$10,000,000, will be used for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to enhance and restore rivers, streams and fish and wildlife habitats and to allow communities to better prepare for extreme storms and floods.

**LD 1487**, *An Act To Control Electricity Transmission Costs through the Development of Nontransmission Alternatives*. (Sen. Dion, D-Cumberland) *Joint Standing Committee on*

*Utilities and Energy*. This bill changes the requirement regarding the development, implementation, operation and management of nontransmission alternatives for proposed transmission lines and proposed transmission projects. This bill requires that a smart grid coordinator appointed by the Public Utilities Commission develop a nontransmission alternative to a proposed transmission line or proposed transmission project.

The bill provides that a smart grid coordinator must be an entity incorporated in the State; may not be a transmission and distribution utility located in the State or an affiliate of a transmission and distribution utility located in the State; and must have a demonstrated record of developing, operating and managing nontransmission alternatives.

## **WORKERS' COMPENSATION LEGISLATION**

### WORKERS' COMPENSATION ENACTED...

**LD 1888 (PL 401)**, *An Act To Amend the Workers' Compensation Laws Governing Affiliated Self-insurance Groups*. (Sen. Volk, R-Cumberland) *Joint Standing Committee on Insurance and Financial Services*. This bill requires a group self-insurer that provides an irrevocable standby letter of credit as security to file with the Superintendent of Insurance a letter of credit and other agreements or documents relating to the employer's reimbursement obligations. The bill amends the workers' compensation laws governing the participation of employers in a group self-insurance plan. It requires a group self-insurer to maintain an actuarially determined fully funded trust as security for self-insurance, except that the Superintendent of Insurance may authorize an affiliated group self-insurer meeting certain requirements to secure the liabilities of each of its members. It requires that if the status of a group self-insurer is terminated the required security remains subject to the control of the Workers' Compensation Board until claims against the group self-insurer have been discharged. The bill removes a requirement that reinsurance contracts name the self-insurer as a coinsured with the Maine Self-Insurance Guarantee Association. It also authorizes a member of a group self-insurer and a successor employer of a member to apply for continuing membership in the group self-insurer.

## **WORKFORCE DEVELOPMENT LEGISLATION**

### WORKFORCE DEVELOPMENT ENACTED...

**LD 1774 (PL 387)**, *An Act To Reduce Child Poverty by Leveraging Investments in Families for Tomorrow*. (Speaker Gideon, D-Freeport) *Joint Standing Committee on Health and Human Services*. This bill makes the following changes to the Working Families Parents as Scholars Program.

- 1 It renames the program the Higher Opportunity for Pathways to Employment Program and establishes it in a new chapter in the Maine Revised Statutes, Title 22.
- 2 It changes eligibility for the program from applicants or participants who are not qualified for Temporary Assistance for Needy Families cash assistance to those who are qualified but are not receiving Temporary Assistance for Needy Families cash assistance.
- 3 It limits participation in the program to 500 participants.
- 4 It adds an asset limit for eligibility.
- 5 It allows the Commissioner of Health and Human Services to limit or suspend the program if sufficient funding is not available.
- 6 It limits participation for 4-year undergraduate degrees to those fields of health care, technology and engineering determined by department rules to allow for changing employment needs in the State.
- 7 It removes the responsibility for determining aptitude for completion of an educational program and determining satisfactory educational progress from the institution providing the educational program.
- 8 It removes the provision related to expanding work study opportunities. The amendment also adds an appropriations and allocations section.

### WORKFORCE DEVELOPMENT DEFEATED...

**LD 1698**, *An Act To Promote Innovation and Growth in Maine's Traditional Industries*. (Rep. Herbig, D-Belfast)

**LD 1718**, *An Act To Empower Maine's Rural Economy and Workforce*. (Rep. Herbig, D-Belfast)

### WORKFORCE DEVELOPMENT DEFEATED (VETO SUSTAINED)...

**LD 669**, *An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers*. (Sen. Katz, R-Kennebec) □

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## A SPECIAL NOTE OF THANKS

Thank you to the countless legislators and administrators, and Governor Paul LePage, for their willingness to discuss the tough issues in search of equitable solutions; for **partnerships with other associations** as we build collaboration; and, for **members who are willing to lend their voices** to our grassroots efforts.

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meeting with the Governor and other key leaders.*

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