

## MAINE ECONOMIC RESEARCH INSTITUTE WATCH LIST

<b><u>LD #</u></b>	<b><u>TITLE</u></b>	<b><u>SPONSOR</u></b>	<b><u>POLICY AREA</u></b>
1	An Act To Ensure Regulatory Fairness and Reform	Senate President	Business Regulation
247	An Act To Amend the Gift Card Laws	Rep. Prescott (R-Topsham)	Business Regulation
322	An Act To Repeal the Informed Growth Act	Rep. Clark (R-Easton)	Business Regulation
648	An Act To Prohibit Organized Retail Theft	Rep. Plummer (R-Windham)	Business Regulation
1014	An Act To Create the Children's Wireless Protection Act	Rep. Boland (D-Sanford)	Business Regulation
1257	An Act Regarding Labor Contracts for Public Works Projects	Sen. Plowman (R-Penobscot)	Business Regulation
1031	An Act To Amend the Laws Governing Significant Wildlife Habitat	Rep. Ayotte (R-Caswell)	Environmental
1129	An Act To Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals	Rep. Hamper (R-Oxford)	Environmental
60	Resolve, To Update the Study Regarding the Feasibility of Establishing a Single-payor Health Care System	Rep. Beaudoin (D-Biddeford)	Healthcare
475	An Act Regarding Private Health Insurance Purchased by the State for Recipients of MaineCare	Rep. McKane (R-Newcastle)	Healthcare

<b>612</b>	An Act To Provide Reimbursement for Medication Therapy Management Services	Sen. Rector (R-Knox)	Healthcare
<b>1333</b>	An Act To Modify Rating Practices for Individual and Small Group Health Plans and To Encourage Value-based Purchasing of Health Care Services	Rep. Richardson (R-Waldoboro)	Healthcare
<b>1364</b>	An Act To Improve the Quality and Reduce the Cost of Health Care	Rep. Fitts (R-Pittsfield)	Healthcare
<b>1397</b>	An Act To Establish a Single-payor Health Care System To Be Effective in 2017	Rep. Priest (D-Brunswick)	Healthcare
<b>1467</b>	An Act To Improve Timely Access to Health Care Data	Rep. Cain (D-Orono)	Healthcare
<b>1497</b>	An Act To Comply with the Health Insurance Exchange Provision of the Patient Protection and Affordable Care Act	Rep. McKane (R-Newcastle)	Healthcare
<b>1498</b>	An Act To Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals	Rep. Treat (D-Hallowell)	Healthcare
<b>140</b>	An Act To Eliminate the Restriction on Net Operating Loss Carry-forwards	Rep. Hunt (D-Buxton)	Taxation
<b>549</b>	An Act Regarding the Recognition of Corporate Entities for Tax Purposes	Rep. Knight (R-Livermore Falls)	Taxation
<b>590</b>	An Act To Require Review of Certain Changes to Sales Tax Policy Application or Practice prior to Implementation	Rep. Chase (R-Wells)	Taxation

<b>836</b>	An Act To Repeal the Alternative Minimum Tax	Rep. Knight (R-Livermore Falls)	Taxation
<b>1137</b>	An Act To Conform Business Expense Deductions to Federal Law	Rep. Knight (R-Livermore Falls)	Taxation
<b>1157</b>	An Act To Protect Property Tax Revenue in the Unorganized Territory	Rep. Dunphy (R-Embden)	Taxation
<b>1371</b>	An Act To Promote Fair and Efficient Resolutions in Tax Disputes	Rep. Knight (R-Livermore Falls)	Taxation
<b>1440</b>	An Act To Amend the Nonresident Income Tax Filing Requirements	Sen. Woodbury (I-Yarmouth)	Taxation
<b>35</b>	An Act Relating to Concealed Firearms Locked in Vehicles	Rep. Cebra (R-Naples)	Workplace Issue
<b>516</b>	An Act To Amend Maine Law To Conform with Federal Law Regarding Employment Practices for Certain Minors	Sen. Plowman (R-Penobscot)	Workplace Issue
<b>1056</b>	Act To Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992	Rep. Hamper (R-Oxford)	Workplace Issue
<b>1244</b>	An Act To Clarify Usual and Customary Charges under the Workers' Compensation Laws	Sen. Goodall (D-Sagadahoc)	Workplace Issue

## MERI WORKING LIST BILL DESCRIPTIONS

### BUSINESS REGULATION

**LD 1** This bill proposes to amend the laws to improve the business climate in the State and encourage job creation and retention and expand opportunities for Maine people. This will be accomplished by ensuring regulatory fairness and reform among departments and agencies of State Government by reviewing aspects of the regulatory process and reforming those processes as necessary to eliminate duplicate or unnecessary regulations and to ensure transparency, fairness, effectiveness and efficiency in the development, adoption, implementation and enforcement of regulatory efforts.

**LD 247** This bill changes from 2 years to 5 years the time after which a gift obligation or stored value card is deemed abandoned. It also removes the requirement that a merchant must remit 60% of the unclaimed amount to the Treasurer of State.

**LD 322** This bill repeals the Informed Growth Act.

**LD 648** This bill creates a new crime of organized retail theft. Organized retail theft includes the elements of theft as described in the Maine Revised Statutes, Title 17A, section 354, but the bill adds the element of using an organized retail scheme.

**LD 1014** This bill provides that a retailer may not sell at retail in this State a cellular telephone unless, at no cost to the Maine retailer, the cellular telephone and its packaging bear a warning label relating to the potential health effects associated with nonthermal effects of cellular telephone radiation.

**LD 1257** This bill provides that the plans, specifications and contract documents for a public works project may not require bidders, contractors or subcontractors to enter into or comply with certain agreements with labor organizations. The bill also provides a cause of action to challenge the awarding of a contract that violates these provisions.

### ENVIRONMENTAL

**LD 1031** Under current law, forest management activities in significant wildlife habitat are exempt from permitting requirements under the Natural Resources Protection Act unless the habitat is mapped through rulemaking by the Department of Inland Fisheries and Wildlife. This bill removes the mapped habitat provision in the exemption for forest management activities.

**LD 1129** This bill reforms Maine's chemical regulation law.

### HEALTHCARE

**LD 60** This resolve requires the Legislature to hire a consultant to update "Feasibility Study of a Single-payer Health Plan Model for the State of Maine," originally completed in 2002.

The bill applies to all individual and small group health insurance policies, certificates and contracts issued or renewed on or after January 1, 2012.

**LD 475** This bill prohibits the Department of Health and Human Services from requiring an individual to complete a health assessment or considering an individual's health status as a condition of eligibility for the Private Health Insurance Premium Program. The bill also provides that the prohibition does not affect an individual or family enrolled in private health insurance pursuant to the program prior to the provision's effective date.

**LD 612** This bill creates a category of pharmacy services, designated as medication therapy management services, for which pharmacists may charge separately from a charge for the prescription drug or a dispensing fee.

**LD 1333** This bill gradually modifies the community rating provisions for individual and small group health plans. It expands in 3 increments the rating bands from the current ratio of 1.5:1 to 3:1 by January 1, 2014.

The bill allows financial incentives except for emergency care services. It maintains the requirement that plans must provide reasonable access to services for all members. It allows plans to provide financial incentives to members to reward providers for quality and efficiency. A carrier must submit annual data to the Superintendent of Insurance showing the impact of such financial incentives on premiums paid by enrollees, payments made to providers, quality of care received and access to health care services by individuals enrolled in health plans.

**LD 1364** This bill directs the Department of Health and Human Services to coordinate the purchase of prescription drugs for MaineCare members through certain organizations eligible for prescription drug discounts under the federal Public Health Service Act, referred to as "340B covered entities," in order for the MaineCare program to negotiate the lowest possible prices and avoid retail markup beginning January 1, 2012. The bill provides a mechanism to calculate savings from establishing the 340B program and distribute the savings among 340B covered entities. The bill provides for routine technical rulemaking as required to implement the provisions of the bill.

**LD 1397** This bill establishes a universal access health care system that offers a choice of coverage through organized delivery systems or through a managed care system operated by the Maine Health Care Agency. The system becomes effective January 1, 2017

and is contingent on the approval of a waiver from the United States Department of Health and Human Services in accordance with the federal Patient Protection and Affordable Care Act.

**LD 1467** This bill requires the Maine Health Data Processing Center to update its all-payor and all-setting health care database system. The bill also requires that an independent manager of the database be established. The bill also requires that standards for reporting from the database be updated with input from stakeholders and that assessments to payors and providers submitting data be reduced accordingly. It also requires that user licenses be established. The bill establishes the Health Information Database Advisory Group to advise the Maine Health Data Processing Center and the Maine Health Data Organization.

**LD 1497** This bill establishes the Maine Health Benefit Exchange pursuant to the federal Patient Protection and Affordable Care Act. The exchange is established as authorized by federal law to facilitate the purchase of health care coverage by individuals and small businesses. The bill requires coverage to be available through the exchange no later than January 1, 2014. The bill authorizes the use of an assessment or user fee on health insurance carriers to support the operations of the exchange.

**LD 1498** The bill makes changes to the Maine Insurance Code to preserve the authority of the Superintendent of Insurance to enforce the federal Patient Protection and Affordable Care Act. The bill also clarifies that the Superintendent of Insurance has oversight over health insurance plans offered through the Maine Health Benefit Exchange.

The bill also requires the Department of Professional and Financial Regulation, Bureau of Insurance to evaluate the minimum essential benefits package to be determined by the Secretary of the United States Department of Health and Human Services in comparison to existing mandated health insurance benefits required by state law. The bill directs the Bureau of Insurance to determine the projected cost impact of maintaining mandated benefits not included in the essential benefits package in qualified health plans made available through the exchange. The bureau must submit its report within 3 months of the adoption of the minimum essential benefits package.

## **TAXATION**

**LD 140** Current federal law allows a person to carry forward net operating losses from one tax year to the next. Maine law puts a 3-year moratorium on the carrying forward of net operating losses for tax years 2009, 2010 and 2011, requiring that the amount subtracted for federal income tax purposes be added back into income for purposes of computing Maine income tax.

This bill eliminates the requirement that net operating losses be added back into Maine income for tax years beginning in 2011.

**LD 549** This bill clarifies that the State recognizes a corporation as a separate entity for tax purposes and provides that income of the corporation is taxable as income of the corporation rather than the owner of a distributive share of the income.

**LD 590** This bill requires the State Tax Assessor to report to the joint standing committee of the Legislature having jurisdiction over taxation matters prior to implementing any change in policy application or practice of the Department of Administrative and Financial Services, Bureau of Revenue Services regarding the sales and use tax if that change will result in additional revenue. The joint standing committee of the Legislature having jurisdiction over taxation matters is authorized to report out legislation reversing or modifying the change.

**LD 836** This bill repeals the alternative minimum tax for both individual and corporate taxpayers.

**LD 1137** This bill permits businesses to claim business expense deductions for purchases to the same extent as permitted under federal income tax law.

**LD 1157** This bill provides that a tax increment financing district containing a grid-scale wind energy development in the unorganized territory may not be approved by the Commissioner of Economic and Community Development after a permit has been issued for the wind energy development or if federal funding is approved for the wind energy development or if a person intends to claim state or federal tax credits for the development. If funding or a tax credit is received by a person after approval of the tax increment financing district, the person receiving the funding or credit must pay that amount to the State to be used to reduce property taxes in the unorganized territory.

**LD 1371** This bill eliminates the current appellate division within the Department of Administrative and Financial Services, Bureau of Revenue Services and replaces it with the Independent Appeals Office. The bill changes provisions relating to the position of taxpayer advocate in the bureau. The funds used to support existing positions that are eliminated are transferred to support the newly created positions.

**LD 1440** This bill provides new minimum taxability thresholds for nonresidents. The new thresholds permit greater income earning activity by nonresidents in the State before Maine income tax liability is triggered. The bill also excludes from the determination of taxability in the State up to 24 days of personal services related to certain training, management functions, equipment upgrades and new investment.

## **WORKPLACE ISSUES**

**LD 35** This bill provides that an employer may not prohibit an employee with a valid concealed firearms permit from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible.

**LD 516** This bill repeals the limiting of hours minors 16 years of age may work while school is not in session. It repeals all limitations on the hours a minor 17 years of age may work. It also conforms Maine law to federal law.

**LD 1056** Under current law, if a physician has examined an employee of a company at the request of an insurance company, employer or employee in accordance with the Maine Revised Statutes, Title 39A, section 207 during the previous 52 weeks then that physician is not eligible to be an independent medical examiner. This bill amends the law by limiting the 52-week prohibition to a prohibition against the examination of a specific employee who previously has been examined by the physician.

**LD 1244** This bill defines "usual and customary charge" regarding payment of a health care service under the workers' compensation laws as the average charge for that health care service for the 2 preceding calendar quarters. For purposes of calculating the average charge, the charge of each individual rendering of a specific health care service is calculated as the sum of all reimbursements from a private, 3rdparty payor and all payments from the patient.