

MAINE STATE LEGISLATURE

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L.D. 2173

DATE: *March 26, 1998*

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JUDICIARY

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 803, L.D. 2173, Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill by inserting after the enacting clause the following:

'PART A'

Further amend the bill by striking out all of sections 1, 2, 3, 4, 6, 11, 13, 14, 21, 22 and 23.

Further amend the bill by inserting after section 39 the following:

'PART B'

Sec. B-1. 7 MRSA §3909, sub-§2, as enacted by PL 1997, c. 456, §3, is amended to read:

2. Designated employees of the department. For purposes of prosecution under this section, the commissioner may authorize humane agents and a state veterinarian to serve civil process pursuant to the Maine Rules of Civil Procedure, Rule 80H and any other applicable rules of court. The commissioner may authorize humane agents or a state veterinarian to represent the department in District Court in the prosecution of civil violations of these

2 laws. Certification of the humane agents and a state
veterinarian for this purpose is as provided under Title 30-A,
4 section 422~~1~~ 4453, subsection 2 5. Once certified, prosecution
by the humane agent or a state veterinarian may seek civil
6 penalties as provided by law as well as a permanent or temporary
injunction, restraining order or other equitable relief as the
court finds appropriate.

8
10 **Sec. B-2. 9-B MRSA §443, sub-§8**, as amended by PL 1997, c.
429, Pt. C, §1, is repealed.

12 **Sec. B-3. 9-B MRSA §443, sub-§11**, as amended by PL 1997, c.
315, §16 and c. 457, §3, is repealed and the following enacted in
14 its place:

16 **11. Annuities.** A financial institution, credit union or
18 financial institution holding company, or a subsidiary or
employee of such an entity, authorized to do business in the
20 State may sell, or arrange for the sale of, through a licensed
3rd party, annuities purchased from a licensed insurance company
22 and may share commissions in connection with the sale of
annuities pursuant to the provisions of Title 24-A. A financial
24 institution, a credit union or a financial institution holding
company, or an employee or subsidiary of such an entity, must be
26 licensed in accordance with Title 24-A, section 1411 or 1416
before engaging in any of the activities concerning the sale of
annuities authorized by this subsection.

28
30 A financial institution, credit union or financial institution
holding company that sells or arranges for the sale of annuities
on the premises of that entity:

32
34 A. Shall post conspicuously a notice that is clearly
visible to all customers that may purchase annuities. The
36 notice must state in clearly understandable language that
the annuities are not insured by the Federal Deposit
Insurance Corporation;

38
40 B. Shall orally inform a prospective purchaser of annuities
that the annuities are not insured by the Federal Deposit
Insurance Corporation; and

42
44 C. Before a sale of annuities is completed, shall obtain a
written statement signed by the purchaser of the annuities
46 stating that the purchaser received the oral notice required
by paragraph B.

48 **Sec. B-4. 9-B MRSA §539-A, sub-§4**, as amended by PL 1997, c.
22, §22, is repealed.

50

2 **Sec. B-5. 9-B MRSA §739-A, sub-§4**, as amended by PL 1997, c.
22, §24, is repealed.

4 **Sec. B-6. 12 MRSA §683, first ¶**, as amended by PL 1997, c. 346,
6 §1 and c. 549, §1 and affected by §2, is repealed and the
following enacted in its place:

8 The Maine Land Use Regulation Commission, as established by
10 Title 5, section 12004-D, subsection 1 to carry out the purposes
12 stated in section 681, is created within the Department of
14 Conservation, and in this chapter called the "commission." The
16 commission is charged with implementing this chapter in all of
18 the unorganized and deorganized areas of the State. The
20 commission consists of 7 public members, none of whom may be
22 state employees, who must be appointed by the Governor, subject
24 to review by the joint standing committee of the Legislature
26 having jurisdiction over conservation matters and to confirmation
28 by the Legislature, for staggered 4-year terms. Of the potential
30 appointees to the commission, the Governor shall actively seek
32 and give consideration to persons who are knowledgeable in
34 commerce and industry; fisheries and wildlife; forestry; and
conservation. In addition the Governor shall actively seek and
give consideration to persons residing in or near the unorganized
areas of the State and to persons residing on unorganized coastal
islands. At least 4 members must be residents within the
commission's jurisdiction. A county commissioner, county
employee, municipal official or municipal employee is not
considered to hold an incompatible office for purposes of
simultaneous service on the commission. If a county or
municipality is a participant in an adjudicatory proceeding
before the commission, a commissioner, official or employee from
that county or municipality may not participate in that
proceeding.

36 **Sec. B-7. Application.** The provision of the section of this
38 Act that repeals and replaces the Maine Revised Statutes, Title
40 12, section 683, first paragraph requiring that 4 members of the
42 Maine Land Use Regulation Commission be residents within the
44 commission's jurisdiction must be fully implemented by December
31, 1999, consistent with Public Law 1997, chapter 549, section
2. This Act does not require the terms of members serving on the
Maine Land Use Regulation Commission on September 19, 1997 to be
terminated.

46 **Sec. B-8. 15 MRSA §393, sub-§8**, as amended by PL 1997, c. 334,
48 §3 and c. 462, §1, is repealed and the following enacted in its
place:

50 **8. Penalty.** A violation of subsection 1, paragraph A, B or
C is a Class C crime. A violation of subsection 1, paragraph D

2 is a Class D crime. A violation of subsection 1-A by a person at
3 least 18 years of age is a Class C crime.

4 **Sec. B-9. 19-A MRSA §2101, sub-§9**, as repealed and replaced by
5 PL 1997, c. 537, §27 and affected by §62, is repealed.

6 **Sec. B-10. 23 MRSA §3032, sub-§2**, as enacted by PL 1987, c.
7 385, §2, is amended to read:

10 **2. Extensions.** The municipal officers of the affected
11 municipality may except a proposed, unaccepted way or portion of
12 a proposed, unaccepted way described in subsection 1 1-A from the
13 operation of the time limitations of that subsection by filing,
14 in the registry of deeds where the subdivision plan is recorded,
15 a notice stating that the way or portion of the way is excepted
16 from the operation of subsection 1 1-A for a period of 20 years
17 from the filing of the notice. To be effective, this exception
18 must be filed prior to the expiration of the time limitations of
19 subsection 1 1-A. An extension accomplished under this
20 subsection may be extended by the municipal officers for a
21 subsequent 20-year period by the filing of a new notice within
22 the preceding 20-year extension period.

24 **Sec. B-11. Retroactivity.** The section of this Act that amends
25 the Maine Revised Statutes, Title 23, section 3032, subsection 2
26 is retroactive to September 19, 1997.

28 **Sec. B-12. 24 MRSA §2349**, as amended by PL 1997, c. 370, Pt.
29 C, §§1 to 3 and repealed by c. 445, §6 and affected by §32, is
30 repealed.

32 **Sec. B-13. 24-A MRSA §1858**, as enacted by PL 1997, c. 86, §1,
33 is repealed.

34 **Sec. B-14. 24-A MRSA §4216, sub-§1, ¶D**, as amended by PL 1997,
35 c. 592, §71, is further amended to read:

38 D. The Commissioner of Human Services certifies to the
39 superintendent that:

40 (1) The health maintenance organization does not meet
41 the requirements of section 4204, subsection 1 2-A,
42 paragraph B; or

44 (2) The health maintenance organization is unable to
45 fulfill its obligations to furnish health care services;

48 **Sec. B-15. 30-A MRSA §4221, sub-§2, ¶A**, as amended by PL 1997,
49 c. 456, §20, is repealed.

2 **Sec. B-16. 30-A MRSA §4453, sub-§§3 and 4**, as enacted by PL
1997, c. 296, §9, are amended to read:

4 **3. Department of Environmental Protection.** Department of
Environmental Protection employees as set forth in Title 38,
6 section 342, subsection 7; and

8 **4. Maine Land Use Regulation Commission.** Maine Land Use
Regulation Commission employees as set forth in Title 12, section
10 685-C, subsection 9; and

12 **Sec. B-17. 30-A MRSA §4453, sub-§5** is enacted to read:

14 **5. Humane agents and state veterinarians.** Humane agents
and state veterinarians as set forth in Title 7, section 3909,
16 subsection 2.

18 **Sec. B-18. 32 MRSA §2272, sub-§7-A**, as enacted by PL 1997, c.
212, §1, is reallocated to 32 MRSA §2272, sub-§12-A.

20 **Sec. B-19. 32 MRSA §2279, first ¶**, as amended by PL 1997, c.
22 212, §2 and c. 294, §6, is repealed and the following enacted in
its place:

24 An applicant applying for a license as an occupational
26 therapy practitioner must file a written application, provided by
the board, showing to the satisfaction of the board that the
28 applicant meets the following requirements.

30 **Sec. B-20. 32 MRSA §2279, sub-§5**, as amended by PL 1997, c.
212, §3 and c. 294, §6, is repealed and the following enacted in
32 its place:

34 **5. Examination.** An applicant for licensure as an
occupational therapy practitioner must pass an examination as
36 provided for in section 2280-A.

38 **Sec. B-21. 32 MRSA §6020-A**, as enacted by PL 1997, c. 379,
§17, is repealed and the following enacted in its place:

40 **§6020-A. Eligibility for license**

42 To be eligible for licensure by the board as a
44 speech-language pathologist, audiologist or speech-language
pathology assistant, a person must possess the following:

46 **1. Speech-language pathologists or audiologists.** To be
48 licensed as a speech-language pathologist or audiologist, a
master's degree or its equivalent, as determined by the board,
50 which is consistent with the requirements for the American Speech

2 and Hearing Association Certificate of Clinical Competency in
3 Speech Pathology or Audiology. The board may establish the
4 requirements for academic course work, supervised clinical
5 practice, supervised professional employment and written
6 examination; or

7 2. **Speech-language pathology assistants.** To be licensed as
8 a speech-language pathology assistant, an associate degree in the
9 field of communication disorders, or its equivalent as determined
10 by the board, and must meet such other minimal qualifications as
11 the board may establish.

12 **Sec. B-22. 34-B MRSA §3607, first ¶,** as amended by PL 1997, c.
13 365, §1 and c. 371, §1, is repealed and the following enacted in
14 its place:

15 The department shall establish 7 quality improvement
16 councils, called area councils, to evaluate the delivery of
17 mental health services to children and adults under the authority of
18 the department or who have a major mental illness, and to
19 advise the department regarding quality assurance, systems
20 development and the delivery of mental health services to
21 children and adults under the authority of the department. The
22 department shall also establish 2 institute councils to evaluate
23 the delivery of mental health services at the 2 state mental
24 health institutes and advise the department regarding quality
25 assurance, operations and functions of the mental health
26 institutes.

27 **Sec. B-23. 34-B MRSA §3863, sub-§2, ¶A,** as amended by PL 1997,
28 c. 422, §8 and c. 438, §2, is repealed and the following enacted
29 in its place:

30 A. The physician, physician's assistant, certified
31 psychiatric clinical nurse specialist, nurse practitioner or
32 psychologist has examined the person on the date of the
33 certificate; and

34 **Sec. B-24. 36 MRSA §6207, sub-§3, ¶B,** as amended by PL 1997,
35 c. 530, Pt. A, §33, is repealed.

PART C

36 **Sec. C-1. 5 MRSA §17852, sub-§13,** as enacted by PL 1997, c.
37 401, §3, is amended to read:

38 **13. Fire marshals; option.** The retirement benefit of a
39 person who qualifies under section 17851, subsection 13 and who

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retires upon or after reaching 55 years of age is computed in
accordance with subsection 1 if:

A. The person was first employed as a fire marshal on or after October 1, 1997, elects the option provided in section 17851, subsection 13 and pays to the retirement system an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or

B. The person was first employed as a fire marshal before October 1, 1997, elects the option provided in section 17851, subsection 13 and pays to the retirement system a single payment or periodic payments of a lump sum or a combination of single and periodic payments of that amount that equals the full actuarial cost of electing that option for service before that date.

A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by a single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after ~~November 1, 1997~~ October 1, 1997 is made as part of the employee payroll contribution.

For the purposes of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 13 and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 13 at any time after the date on which the person is first employed as a fire marshal must include interest, at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection takes effect October 1, 1997. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a fire marshal on or after October 1, 1997 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before October 1, 1997 must make the election no later than January 1, 1998.

2 **Sec. C-2. Retroactivity.** That section of this Act that amends
the Maine Revised Statutes, Title 5, section 17852, subsection 13
4 applies retroactively to September 19, 1997.

6 **Sec. C-3. 18-A MRSA §2-901**, as amended by PL 1997, c. 76, §1,
is further amended to read:

8 **§2-901. Disposition of will deposited with court**

10 ~~During--the--testator's--lifetime--a~~ A will deposited for
safekeeping with the court in the office of the register of
12 probate ~~must before September 19, 1997~~ may be delivered only to
the testator or to a person authorized in writing signed by the
14 testator to receive the will. A conservator may be allowed to
examine a deposited will of a protected testator under procedures
16 designed to maintain the confidential character of the document
to the extent possible and to ensure that it will be resealed and
18 left on deposit after the examination. Upon being informed of
the testator's death, the court shall notify any person
20 designated to receive the will and deliver it to that designated
person on request; or the court may deliver the will to the
22 appropriate court. The court may not accept a will for
safekeeping after September 19, 1997.

24 **Sec. C-4. Retroactivity.** The section of this Act amending the
26 Maine Revised Statutes, Title 18-A, section 2-901 applies
retroactively to September 19, 1997.

28 **Sec. C-5. 18-A MRSA §5-507**, as corrected by RR 1997, c. 1,
30 §13, is repealed.

32 **Sec. C-6. 18-A MRSA §5-508**, as renumbered by RR 1997, c. 1,
§13, is repealed and the following enacted in its place:

34 **§5-508. Durable financial power of attorney**

36 (a) A durable financial power of attorney is a durable
38 power of attorney by which a principal designates another as
attorney-in-fact to make decisions on the principal's behalf in
40 matters concerning the principal's finances, property or both.
In the exercise of the powers conferred under a durable financial
42 power of attorney, an attorney-in-fact shall act as a fiduciary
under the standards of care applicable to trustees as described
44 by section 7-302.

46 (b) An attorney-in-fact is not authorized to make gifts to
the attorney-in-fact or to others unless the durable financial
48 power of attorney explicitly authorizes such gifts.

2 (c) A durable financial power of attorney must be notarized
by a notary public or an attorney-at-law.

4 (d) A durable financial power of attorney must contain the
following language:

6
8 "Notice to the Principal: As the "Principal," you are using this
Durable Power of Attorney to grant power to another person
(called the "Agent" or "Attorney-in-fact") to make decisions
10 about your money, property or both and to use your money,
property or both on your behalf. If this written Durable Power
12 of Attorney does not limit the powers that you give your Agent,
your Agent will have broad and sweeping powers to sell or
14 otherwise dispose of your property and spend your money without
advance notice to you or approval by you. Under this document,
16 your Agent will continue to have these powers after you become
incapacitated, and you may also choose to authorize your Agent to
18 use these powers before you become incapacitated. The powers
that you give your Agent are explained more fully in the Maine
20 Revised Statutes, Title 18-A, sections 5-501 to 5-508 and in
Maine case law. You have the right to revoke or take back this
22 Durable Power of Attorney at any time as long as you are of sound
mind. If there is anything about this Durable Power of Attorney
24 that you do not understand, you should ask a lawyer to explain it
to you.

26
28 Notice to the Agent: As the "Agent" or "Attorney-in-fact," you
are given power under this Durable Power of Attorney to make
decisions about the money, property or both belonging to the
30 Principal and to spend the Principal's money, property or both on
that person's behalf in accordance with the terms of this Durable
32 Power of Attorney. This Durable Power of Attorney is valid only
if the Principal is of sound mind when the Principal signs it.
34 As the Agent, you are under a duty (called a "fiduciary duty") to
observe the standards observed by a prudent person dealing with
36 the property of another. The duty is explained more fully in the
Maine Revised Statutes, Title 18-A, sections 5-501 to 5-508 and
38 7-302 and in Maine case law. As the Agent, you are not entitled
to use the money or property for your own benefit or to make
40 gifts to yourself or others unless the Durable Power of Attorney
specifically gives you the authority to do so. As the Agent,
42 your authority under this Durable Power of Attorney will end when
the Principal dies and you will not have the authority to
44 administer the estate unless you are authorized to do so in
accordance with the Maine Probate Code. If you violate your
46 fiduciary duty under this Durable Power of Attorney, you may be
liable for damages and may be subject to criminal prosecution.
48 If there is anything about this Durable Power of Attorney or your
duties under it that you do not understand, you should ask a
50 lawyer to explain it to you."

2 This language does not confer powers not otherwise contained in
4 the durable financial power of attorney.

6 (e) Subject to the requirements of subsection (b), the
8 generality powers of an attorney-in-fact in a power of attorney
10 that contains language appointing the attorney-in-fact to care
12 for, manage, control and handle all of the principal's business,
financial, property and personal affairs in as full and complete
a manner as the principal might do is not limited by the
inclusion in the power of attorney of a list of the specific
powers granted to the attorney-in-fact.

14 (f) A power of attorney that contains a grant of general
16 authority referred to in subsection (e) does not create a power
18 of attorney for health care unless the power of attorney
explicitly authorizes the attorney-in-fact to make health care
decisions.

20 (g) The requirements of subsections (b), (c) and (d) do not
22 render ineffective a durable financial power of attorney validly
executed prior to September 19, 1997.

24 **Sec. C-7. 19-A MRSA §4011, sub-§1,** as enacted by PL 1995, c.
26 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

28 **1. Crime committed.** Except as provided in subsection 2,
30 violation of the following is a Class D crime, when the defendant
has prior actual notice, which may be notice by means other than
service in hand, of the order or agreement:

32 A. A temporary, emergency, interim or final protective
34 order, an order of a tribal court of the Passamaquoddy Tribe
36 or the Penobscot Nation or a similar order issued by a court
of the United States or of another state, territory,
commonwealth or tribe; or

38 B. A court-approved consent agreement, ~~when the defendant~~
40 ~~has prior actual notice, which may be notice by means other~~
~~than service in hand, of the order or agreement.~~

42 **Sec. C-8. Retroactivity.** The section of this Act that amends
44 the Maine Revised Statutes, Title 19-A, section 4011, subsection
1 is retroactive to October 1, 1997.

46 **Sec. C-9. 22 MRSA §3811, sub-§4,** as enacted by PL 1993, c.
48 654, §1 and as amended by PL 1997, c. 530, Pt. A, §34, is further
amended to read:

2 4. **Program benefits.** "Program benefits" means money
payments or food coupons issued by the department pursuant to an
4 application for benefits made by an individual to either
~~Temporary Assistance for Needy Families~~ Aid to Families with
6 Dependent Children established in former chapter 1053 or, the
food stamp program established in chapter 851 or the Temporary
8 Assistance to Needy Families program established in chapter
1053-A.

10 **Sec. C-10. Retroactivity.** The section of this Act that amends
the Maine Revised Statutes, Title 22, section 3811, subsection 4
12 is retroactive to June 12, 1997.

14 **PART D**

16 **Sec. D-1. 3 MRSA §959, sub-§1, ¶I,** as enacted by PL 1995, c.
18 488, §2, is amended to read:

20 I. The joint standing committee of the Legislature having
jurisdiction over labor matters shall use the following list
22 as a guideline for scheduling reviews:

24 (1) Maine State Retirement System in 1997;

26 (2) Department of Labor in 1999;

28 (3) Maine Labor Relations Board in 2001; and

30 (4) Workers' Compensation Board in 2001; ~~and.~~

32 ~~(5) --- Maine --- Occupational --- Information --- Coordinating~~
34 ~~Committee in 2001.~~

36 **Sec. D-2. 26 MRSA §803,** as enacted by PL 1993, c. 600, Pt. A,
§23, is repealed.

38 **Sec. D-3. 26 MRSA c. 11, sub-c. I,** as amended, is repealed.

40 **Sec. D-4. 26 MRSA §1452,** as repealed and replaced by PL 1997,
c. 410, §10, is repealed.

42 **Sec. D-5. 26 MRSA §1453,** as amended by PL 1987, c. 534, Pt.
44 B, §§17, 18 and 23, is repealed.

46 **Sec. D-6. 26 MRSA §1454,** as amended by PL 1995, c. 560, Pt.
48 G, §17 and affected by §29, is repealed.

50 **Sec. D-7. 26 MRSA §2006, sub-§5, ¶¶E and F,** as enacted by PL
1997, c. 410, §12 and affected by §13, are amended to read:

2 E. Provide policy recommendations to ensure the
effectiveness of work-related programs and services for
4 youth, including youth with disabilities, and report to the
joint standing committee of the Legislature having
6 jurisdiction over labor matters by January 15, 1999; and

8 F. Provide policy recommendations to ensure the
effectiveness of work-related programs and services for
10 "at-risk" youth, and report to the joint standing committee
of the Legislature having jurisdiction over labor matters by
12 January 15, 2000+~~and~~ .

14 **Sec. D-8. 26 MRSA §2006, sub-§5, ¶G**, as enacted by PL 1997, c.
410, §12 and affected by §13, is repealed.

16 **Sec. D-9. 26 MRSA §2006, sub-§§5-A to 5-D** are enacted to read:

18 **5-A. Apprenticeship.** In addition to its other duties, the
20 council, through its Standing Committee on Apprenticeship, shall
perform the duties of the former State Apprenticeship and
22 Training Council.

24 A. As used in this subsection, unless the context otherwise
indicates, the following terms have the following meanings.

26 (1) "Apprentice" means a person at least 16 years of
28 age who is employed under an apprenticeship agreement
to work at and learn a specific occupation and is
30 registered with the council.

32 (2) "Apprentice agreement" means a written agreement
that is entered into by an apprentice or organization
34 of employees with an employer or an association of
employers and provides for the apprentice's
36 participation in a definite sequence of job training
and for such related and supplemental instruction as
38 may be determined necessary for the apprentice to
qualify as a journeyman in a particular occupation.

40 (3) "Committee" means the council's Standing Committee
42 on Apprenticeship.

44 (4) "Journeyman upgrading" means continued related
instruction advocated for by a sponsor, including joint
46 apprenticeship and training committees or employers,
for an individual who has fulfilled a bona fide
48 apprenticeship as determined by the committee.
Enrollment criteria are established by the committee.

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2 (5) "Sponsor" means an employer or a potential
3 employer.

4
5 B. The committee is composed of 12 voting members appointed
6 by the Governor and made up as follows: 4 members must be
7 representatives of employees and be bona fide members of a
8 recognized major labor organization; 4 members must be
9 representatives of employers and be bona fide employers or
10 authorized representatives of bona fide employers; and 4
11 members must be representatives of the public, selected from
12 neither industrial employers nor employees, nor may they be
13 directly concerned with any particular industrial employer
14 or employee. At least 2 members who are representatives of
15 the public must represent the interests of women, minorities
16 and recipients of aid to families with dependent children
17 who are in registered apprenticeships. Each member holds
18 office until a successor is appointed and qualified, and any
19 vacancy must be filled by appointment for the unexpired
20 portion of the term. The chair of the committee must be a
21 member of the committee and is named by the members of the
22 committee. The Commissioner of Labor or a designee, the
23 Commissioner of Economic and Community Development or a
24 designee, the Commissioner of Education or a designee, the
25 chair of the council or a member designee and the President
26 of the Maine Technical College System or a designee are
27 nonvoting ex officio members of the committee.

28
29 C. The committee shall:

30 (1) Establish standards, through joint action of
31 employers and employees, assist in the development of
32 registered apprenticeship programs in conformity with
33 this subsection and generally encourage and promote the
34 establishment of registered apprenticeship programs;

35 (2) Register or terminate, or cancel the registration
36 of, apprenticeship programs and apprenticeship
37 agreements, including journeyman upgrading;

38 (3) Authorize and issue certificates of completion of
39 apprenticeship to apprentices who have been certified
40 by a joint apprenticeship committee or employer as
41 having satisfactorily completed their training;

42 (4) Keep a record of registered programs and
43 apprentice agreements, including the number of women
44 and minority apprentices by occupation and the number
45 of occupations that are nontraditional for women;

50

2 (5) Adopt rules necessary to carry out the intent and
4 purpose of this subsection. Rules adopted pursuant to
 this subsection are routine technical rules as defined
 in Title 5, chapter 375, subchapter II-A;

6 (6) Make an annual report by March 1st of each year to
8 the Governor, the joint standing committee of the
10 Legislature having jurisdiction over labor matters, the
12 joint standing committee of the Legislature having
14 jurisdiction over education and cultural affairs and
16 the joint standing committee of the Legislature having
 jurisdiction over business and economic development
 matters. The report must include, for each business
 assisted under this subsection, the name and location
 of each business, the number of apprentices, the return
 on investment and, when applicable, the number of new
 jobs created;

18 (7) Ensure availability and oversee coordination of
20 related and supplemental instruction for apprentices;
22 and

24 (8) Develop a biennial plan in consultation with the
26 Department of Labor and develop an evaluation tool and
28 process that facilitates a review of the apprenticeship
30 program outcomes based on the committee's biennial
 goals and objectives. As a result of this process, the
 committee may initiate programs that promote
 apprenticeship and work force development.

32 D. Committee meetings are held quarterly and as often as is
34 necessary in the opinion of a majority of the committee. The
36 chair shall designate the time and place of the meetings and
38 the staff shall notify all committee members at least one
 week in advance of each meeting. A majority of the
 membership of the committee constitutes a quorum, as long as
 each of the groups in paragraph B has at least one
 representative present.

40 E. Standards for apprentice agreements must contain the
42 following:

44 (1) A statement of the occupation to be taught and the
 required hours for completion of apprenticeship;

46 (2) A statement of the major work processes in the
48 occupation to be taught and the approximate amount of
 time to be spent at each process;

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2 (3) A statement of educational subjects to be studied
4 and mastered, including on-the-job-training work
6 experience. An agreement must state the number of hours
 required to complete an apprenticeship and indicate the
 approximate number of hours spent in each process and
 each training component;

8 (4) A statement that the apprentices may not be less
10 than 16 years of age;

12 (5) A statement of the progressively increasing scale
 of wages to be paid the apprentice;

14 (6) A period of probation during which the committee
16 shall terminate the apprentice agreement upon the
18 written request of any party to the apprentice
 agreement. After the probationary period, the committee
 may terminate the registration of an apprentice upon
 agreement of the parties;

20 (7) A statement that, when differences arising out of
22 the apprentice agreement can not be adjudged locally or
24 in accordance with the occupation's established
26 procedures, the services of the committee may be used
 for consultation regarding the settlement of the
 differences;

28 (8) A statement that if an employer is unable to
30 fulfill its obligation under the apprentice agreement,
 the employer may transfer the obligation to another
 employer;

32 (9) A statement that there may be no discrimination
34 based on sex, race, creed or color in employing
 apprentices; and

36 (10) Additional standards as may be prescribed in
38 accordance with this subsection.

40 F. The committee may establish local, regional and state
42 joint apprenticeship committees in any occupation or group
44 of occupations, in cities, regions of the State or
46 occupation areas whenever the apprentice training needs of
48 the occupation or group of occupations justify the
 establishment. These local, regional or state joint
 apprenticeship committees are composed of an equal number of
 employer and employee representatives, selected by the
 respective local or state employer and employee
 organizations in the occupation or group of occupations, and
50 any advisory members representing local boards or other

2 agencies as may be advisable. Each local, regional or state
3 joint apprenticeship committee must include an even number
4 of voting members with expertise in issues related to women,
5 minorities or recipients of aid to families with dependent
6 children who are in apprenticeships, 1/2 to be chosen by the
7 employer representatives and 1/2 to be chosen by the
8 employee representatives. In an occupation or group of
9 occupations in which there is no bona fide employer or
10 employee organization, a joint apprenticeship committee may
11 be composed of persons known to represent the interests of
12 employers and of employees, or a state joint apprenticeship
13 committee may be approved as the joint apprenticeship
14 committee in that occupation or group of occupations.
15 Subject to the review of the committee and in accordance
16 with standards established by the committee, the joint
17 apprenticeship committees may devise standards for
18 apprenticeship agreements and give necessary aid to their
19 respective occupations and localities. The activities of
20 the joint apprenticeship committees must comply with all
21 applicable affirmative action rules adopted by the committee.

22 G. This subsection, or any apprentice agreement approved
23 under this subsection, does not invalidate an apprenticeship
24 provision in a collective bargaining agreement between
25 employers and employees that sets up higher apprenticeship
26 standards. None of the terms or provisions of this
27 subsection applies to any person, firm, corporation or craft
28 unless the person, firm, corporation or craft voluntarily
29 elects to be subject to the terms and provisions of this
30 subsection.

31 H. In carrying out its duties on a state level, the
32 committee shall employ personnel in the Department of Labor,
33 Bureau of Employment Services.

34
35
36 (1) The Bureau of Employment Services must have a
37 director of apprenticeship and training who supervises
38 the execution of agreements and the maintenance of
39 standards.

40
41
42 (2) The Bureau of Employment Services shall keep a
43 record of apprentice agreements and programs and ensure
44 that all aspects of related and supplemental
45 instruction are delivered and coordinated in a timely
46 manner.

47
48 (3) Apprenticeship field staff may be retained by
49 agreements between the Bureau of Employment Services
50 and its service provider network. Field staff are
51 responsible for promoting apprenticeships to employers.

2 writing apprenticeship programs and carrying out
3 delegated council duties.

4 (4) The committee's budget request must be
5 incorporated into the overall budget of the Department
6 of Labor.

7 (5) The Commissioner of Labor is ultimately
8 responsible for selecting and supervising all personnel
9 employed by the committee, providing adequate staff
10 support to the committee and disbursing funds according
11 to committee policy.

12
13
14 I. The Maine Technical College System remains the primary
15 vendor for apprenticeship-related instruction according to a
16 biennial articulation agreement with the Department of Labor.

17 (1) The committee shall cooperate with the Department
18 of Education, local school authorities, such as adult
19 education and applied technology centers, and other
20 groups in organizing and establishing related or
21 supplemental instruction for apprentices employed under
22 approved agreements.

23
24
25 (2) An educational institution or apprenticeship
26 sponsor may provide related and supplemental
27 instruction according to the policies established by
28 the committee. Educational providers shall identify a
29 contact person for the committee staff. As funds
30 permit, the Department of Labor shall underwrite 50% of
31 tuition costs for apprentices in good standing at
32 public educational institutions and provide tuition
33 assistance to sponsor groups in accordance with
34 committee policies. To ensure that adequate funds are
35 available for tuition, the committee shall provide the
36 Commissioner of Labor with its biennial plan, including
37 projected apprenticeship enrollments and a subsequent
38 budget request.

39
40 (3) The committee shall assist the Department of
41 Education, the State's technical colleges, local school
42 authorities, such as adult education and applied
43 technology centers, and other groups in developing
44 training courses to establish preapprenticeship
45 training programs if the technical colleges, local
46 schools and other groups wish to do so. Successful
47 completion of preapprenticeship training programs
48 enables a participant to meet the qualifying standards
49 of the apprenticeship for which the participant has
50 expressed serious interest. All preapprenticeship

2 training programs are subject to approval by the
3 committee.

4 J. The committee shall cooperate with the Department of
5 Labor and the Department of Economic and Community
6 Development in matters relating to work force and economic
7 development.

8 K. The committee shall cooperate and consult with the
9 Department of Corrections to develop policies concerning
10 issues of job safety for prisoners involved in prison
11 industries programs, work release programs and job
12 displacement created by those programs and to develop
13 opportunities for jobs in the prison industries programs
14 consistent with Title 34-A, section 1403, subsection 9.

15 L. The committee shall cooperate, consult and coordinate
16 with groups that help people on welfare find jobs. The
17 committee shall also cooperate with other relevant groups to
18 identify obstacles that may prevent women and recipients of
19 aid to families with dependent children from participating
20 in registered apprenticeships, and the necessary measures to
21 be taken to overcome them.

22 M. Committee field staff are responsible for identifying
23 and contacting potential sponsors with whom apprenticeship
24 programs may be developed. Staff may receive business
25 referrals from a variety of sources, including, but not
26 limited to, local work force development centers, business
27 visitation programs, local chambers of commerce, the
28 Department of Economic and Community Development and the
29 Department of Labor's Employer Assistance Division. Staff
30 and committee members may regularly conduct presentations to
31 employer groups, schools and other interested parties and
32 develop brochures, public service announcements and
33 promotional videotapes for the purpose of promoting
34 apprenticeship.

35 N. Committee staff may provide apprenticeship sponsors with
36 technical assistance that encourages high-quality job
37 creation, reorganizes a workplace to help it remain
38 competitive, upgrades worker skills by providing essential
39 work competencies, occupational task analysis and instructor
40 training and encourages affirmative action and recruitment
41 of special populations.

42 O. All apprentice and training programs established under
43 this subsection must conform to 29 Code of Federal
44 Regulations, Parts 29 and 30, and any subsequent applicable

2 provisions. The Federal Bureau of Apprenticeship and
3 Training is available as a resource to the committee.

4 5-B. Employment of people with disabilities. In addition
5 to its other duties, the council, through its Standing Committee
6 on Employment of People with Disabilities, referred to in this
7 subsection as the "committee," shall perform the duties of the
8 former Governor's Committee on Employment of People with
9 Disabilities.

10 A. The committee shall:

11 (1) Advise, consult and assist the executive and
12 legislative branches of State Government on activities
13 of State Government that affect the employment of
14 disabled individuals. The committee is solely advisory
15 in nature. The committee may advise regarding state
16 and federal plans and proposed budgetary, legislative
17 or policy actions affecting disabled individuals;

18 (2) Serve as an advocate on behalf of disabled
19 citizens promoting and assisting activities designed to
20 further equal opportunity for people with disabilities;

21 (3) Conduct educational programs considered necessary
22 to promote public understanding of the needs and
23 abilities of disabled citizens of this State;

24 (4) Provide information, training and technical
25 assistance to promote greater employer acceptance of
26 disabled workers;

27 (5) Advise and assist employers and other
28 organizations interested in developing employment
29 opportunities for disabled people; and

30 (6) Inform the public of the benefits of making
31 buildings accessible to and usable by individuals with
32 disabilities; monitor the enforcement of state and
33 federal laws regarding architectural accessibility; and
34 advise and assist building owners by disseminating
35 information about accessibility and by making technical
36 assistance available when appropriate.

37 (a) A wheelchair symbol must be appropriately
38 displayed to identify buildings with facilities
39 that are accessible to disabled and elderly
40 individuals; accessibility is determined by the
41 committee.

2 (b) The symbol required in division (a) must be
3 that adopted by the Rehabilitation International's
4 World Congress in 1969.

6 (c) Application for display of the wheelchair
7 symbol must be made by the committee, which shall
8 obtain and keep on file a supply of symbols.

10 B. The committee shall administer in accordance with
11 current fiscal and accounting regulations of the State, and
12 in accordance with the philosophy, objectives and authority
13 of this subsection, any funds appropriated for expenditure
14 by the committee or any grants or gifts that may become
15 available and are accepted and received by the committee.

16 C. The committee shall submit an annual report directly to
17 the Governor and the Legislature not later than September
18 1st of each year concerning its work, recommendations and
19 interest of the previous fiscal year and future plans. The
20 committee shall make any interim reports it considers
21 advisable.

22 D. The committee shall keep minutes of all meetings,
23 including a list of people in attendance.

24 E. The committee may employ, subject to the Civil Service
25 Law, the staff necessary to carry out its objectives. The
26 committee may employ consultants and contract for projects
27 it determines necessary. To the extent feasible and
28 reasonable, the committee must be given the staff,
29 facilities, equipment, supplies, information and other
30 assistance required to carry out its activities.

31 F. The committee may make necessary rules, not inconsistent
32 with this subsection, for promoting its purposes.

33 G. The committee may receive and accept, from any source,
34 allocations, appropriations, loans, grants and contributions
35 of money or other things of value to be held, used or
36 applied to carry out this subsection, subject to the
37 conditions upon which the loans, grants and contributions
38 may be made, including, but not limited to, appropriations,
39 allocations, loans, grants or gifts from a private source,
40 federal agency or governmental subdivision of the State or
41 its agencies.

42 5-C. Occupational information. In addition to its other
43 duties, the council shall perform the duties of the former Maine
44 Occupational Information Coordinating Committee.

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A. The council shall:

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(1) Support the development, maintenance and operation of the Comprehensive Career, Occupational and Economic Data-based System, established in section 1451, and foster communication and coordination of education, employment and training programs through the use of the system;

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(2) Develop and implement an overall system for coordinating and delivering occupational and economic supply and demand information, using standardized techniques as feasible, to employment, training, applied technology education and vocational rehabilitation agencies; economic development agencies; private industry; and individuals;

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(3) Facilitate the use of occupational and economic information in planning and allocating employment, training, applied technology education and vocational rehabilitation programs;

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(4) Facilitate the use of career and occupational information in both school and nonschool settings through promotion and support of career education programs and activities;

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(5) Provide the Governor with the comprehensive occupational and economic information required to improve the coordination of employment, training, applied technology education and vocational rehabilitation programs to meet commonly defined needs; and

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(6) Recommend to the Governor legislative and executive initiatives designed to increase the utility of the Comprehensive Career, Occupational and Economic Data-based System as the system relates to a more effective coordination of employment, training, applied technology education and vocational rehabilitation programs, especially as these programs support economic development initiatives as the system relates to industrial recruitment and expansion efforts, and as the system relates to the delivery of career information to those involved in the career decision-making process.

48
B. The Executive Director of the Bureau of Employment Services may appoint, subject to the Civil Service Law,

2 personnel authorized by the council and necessary to carry
3 out the duties in this subsection.

4 C. The council may accept gifts, grants or other money from
5 any source and may enter into contracts, charge fees and
6 make grants for services consistent with this subsection.

8 5-D. Human resource development. In addition to its other
9 duties, the council shall perform the duties of the former Human
10 Resource Development Council.

12 A. The council shall:

14 (1) Perform all duties and responsibilities of the
15 State Job Training Coordinating Council as defined in
16 the United States Job Training Partnership Act, Section
17 122;

18 (2) Enable the implementation of state human resource
19 development goals which include, but are not limited to:

22 (a) Developing a multiagency cooperative approach;

24 (b) Creating greater coordination between
25 economic development and human resource
26 development agencies;

28 (c) Enhancing employment and training services
29 for groups traditionally not part of the economic
30 mainstream;

32 (d) Coordinating with secondary and postsecondary
33 educational systems to improve transition from
34 school to work; and

36 (e) Increasing retraining and upgrading
37 opportunities for the State's workers;

38 (3) Following the general requirements of the State
39 Human Resource Development Policy, identify, in
40 cooperation with appropriate state agencies and other
41 interested parties such as the Private Industry
42 Council, the employment and training and applied
43 technology education needs throughout the State;

46 (4) Assess the extent to which employment and
47 training, applied technology education, welfare
48 recipient job training, rehabilitation services, public
49 assistance, economic development and other federal,
50 state and local programs represent a consistent,

2 integrated and coordinated approach to the delivery of
3 those services;

4 (5) Based on its assessment of the need for better
5 coordination of the delivery of services listed in
6 subparagraph (3), recommend to the Governor and
7 Legislature the Human Resource Development Coordination
8 Criteria affecting agencies involved with human
9 resource development. This document must contain the
10 elements of the United States Job Training Partnership
11 Act, Section 121, and the coordination requirements
12 derived from the State Human Resources Development
13 Policy. The coordination requirements of the Human
14 Resource Development Coordination Criteria must be
15 communicated to affected state, federal and local
16 agencies through planning instructions issued by the
17 Department of Labor;

18 (6) Review the plans of all state agencies identified
19 in the Human Resource Development Coordination
20 Criteria, advise the Governor and Legislature on these
21 plans and certify their consistency with the criteria
22 contained in the Human Resource Development
23 Coordination Criteria;

24 (7) Review and comment annually on the reports
25 required pursuant to the federal Carl D. Perkins
26 Vocational Education Act of 1984, Public Law 98-524,
27 Sections 113(b)(9), 113(c)(1) and 114(a)(1), as
28 amended; review and comment on the state plan developed
29 by the state employment service agency; and review and
30 comment pursuant to the federal Family Support Act of
31 1988, Public Law 100-998, Section 483(a)(2) on the
32 state plan developed by the state income maintenance
33 agency;

34 (8) Recommend to the Governor an annual State Human
35 Resource Development Plan, which describes the human
36 resource development services and numbers of
37 participants to be served by all agencies identified in
38 the Human Resource Development Coordination Criteria;

39 (9) Review the operation of programs identified in the
40 State Human Resource Development Plan and determine the
41 responsiveness, adequacy and coordination of those
42 programs and recommend to the Governor, the Legislature
43 and other interested entities ways to improve the
44 effectiveness of the programs;

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2 (10) Prepare an annual report, which is a public
4 document, to the Governor and Legislature and issue
other studies, reports or documents advisable in
carrying out the purposes of this subsection;

6 (11) Recommend to the Governor and Legislature service
8 delivery areas within the State, as well as areas,
grantees and procedures within the State for the
10 selection of representatives pursuant to the United
States Economic Dislocation and Worker Adjustment
12 Assistance Act, Public Law 100-418;

14 (12) Recommend resource allocations under the United
States Job Training Partnership Act, Titles I, II and
16 III, that are not subject to the United States Job
Training Partnership Act, Section 202(a);

18 (13) Develop appropriate relationships with other
20 programs;

22 (14) Coordinate activities with Private Industry
Councils;

24 (15) Recommend variations in performance standards and
26 include those recommendations in the Human Resource
Development Coordination Criteria; and

28 (16) Submit comments to the Governor on plans and
30 programs for dislocated workers, as required under the
United States Economic Dislocation and Worker
32 Adjustment Assistance Act, Public Law 100-418.

34 B. The council has the necessary authority to carry out the
purposes of this section.

36 C. The Commissioner of Labor may appoint employees
38 necessary to carry out the council's responsibility under
this subsection.

40 D. The Commissioner of Labor may adopt rules, in accordance
42 with Title 5, chapter 375, necessary to carry out the
council's responsibility under this subsection.

44 **Sec. D-10. 26 MRSA §2006, sub-§7, ¶A, as enacted by PL 1997,**
46 **c. 410, §12 and affected by §13, is amended to read:**

48 A. The council shall create 4 standing committees of up to
50 12 members. Each standing committee may include up to 4
noncouncil members appointed by the council chair and drawn
from the same constituency groups as the council's

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membership. The standing committees shall make recommendations to the full council. The 4 standing committees are as follows:

(1) Apprenticeship, with its membership ~~divided evenly among representatives from business and industry, labor and the public. The council, through its Standing Subcommittee on Apprenticeship, will function as the State Apprenticeship Council based on the Apprenticeship Council's existing or successor language specified in subsection 5-A, paragraph B;~~

(2) School-to-work;

(3) Employment of people with disabilities; and

(4) Women's employment issues.

PART E

Sec. E-1. 4 MRSA §2-A is enacted to read:

§2-A. Justice of the Supreme Judicial Court to sit in District Court, Administrative Court

The Chief Justice of the Supreme Judicial Court may assign a Justice or Active Retired Justice of the Supreme Judicial Court to sit in the District Court or the Administrative Court, and when so directed the justice has authority and jurisdiction in the District Court or the Administrative Court as if the justice were a regular judge of that court. When assigned under this section, the justice may hear all matters and issue all orders, notices, decrees and judgments that any Judge of the District Court or the Administrative Court is authorized to hear and issue.

The order of the Chief Justice of the Supreme Judicial Court directing a Justice or an Active Retired Justice of the Supreme Judicial Court to sit in the District Court or the Administrative Court must be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by that justice.

Sec. E-2. 4 MRSA §807, sub-§3, ¶J, as amended by PL 1997, c. 466, §1 and affected by §28, is further amended to read:

J. For the purposes of defending a civil action filed against a corporation, an officer of the corporation if the

corporation is organized in this State and has 5 or fewer
shareholders; or

Sec. E-3. 4 MRSA §807, sub-§3, ¶K, as enacted by PL 1997, c.
466, §2 and affected by §28, is amended to read:

K. A person who is not an attorney, but who is representing
the Department of Human Services in accordance with Title
19-A, section 1615; Title 19-A, section 2009, subsection 8;
Title 19-A, section 2201, subsection 1-B; and Title 19-A,
section 2202, subsection 1-B; or

Sec. E-4. 4 MRSA §807, sub-§3, ¶L is enacted to read:

L. A person who is not an attorney, but who is representing
the Department of Agriculture, Food and Rural Resources in
accordance with Title 7, section 3909, subsection 2.

Sec. E-5. 19-A MRSA §652, sub-§8, as amended by PL 1997, c.
507, §1 and affected by §4, is further amended to read:

8. Parties under 16 years of age. The clerk may not issue
a marriage license to a person under ~~18~~ 16 years of age without:

A. The written consent of that minor's parents, guardians
or persons to whom a court has given custody;

B. Notifying the judge of probate in the county in which
the minor resides of the filing of this intention; and

C. Receipt of that judge of probate's written consent to
issue the license. The judge of probate shall base a
decision on whether to issue consent on the best interest of
the parties under ~~18~~ 16 years of age and shall consider the
age of both parties and any criminal record of a party who
is 18 years of age or older. The judge of probate, in the
interest of public welfare, may order, after notice and
opportunity for hearing, that a license not be issued. The
judge of probate shall issue a decision within 30 days of
receiving the notification under paragraph B.

Sec. E-6. Retroactivity. The section of this Act amending the
Maine Revised Statutes, Title 19-A, section 652, subsection 8
applies retroactively to October 1, 1997.'

SUMMARY

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This amendment deletes sections 1, 2, 3, 4, 6, 11, 13, 14, 21, 22 and 23 of the bill. The sections remaining are designated "Part A."

Part B

Part B contains sections that make technical corrections in the laws.

Section B-1 corrects a cross-reference to certification for non-attorneys to enforce the animal welfare laws on behalf of the State.

Section B-2 corrects a conflict by repealing a subsection in the banking laws that was amended by one Public Law chapter to conform with changes in the Uniform Commercial Code and repealed and replaced by another Public Law chapter as a result of the creation of a universal bank charter.

Section B-3 is the same as section 6 in the original bill except that it includes a cross-reference to insurance producers that was omitted from the bill.

Sections B-4 and B-5 repeal subsections that were amended to cover review lines of credit, and repealed as a result of the creation of a universal bank charter.

Section B-6 is the same as section 11 in the bill. It corrects a conflict in the Maine Land Use Regulation Commission laws. Section B-7 ensures that the original application date of the changes concerning the residence of commission members continues to apply.

Section B-8 corrects a conflict in the penalties provisions of the law prohibiting possession of firearms by felons.

Section B-9 deletes a duplicate definition in the child support laws.

Section B-10 is the same as section 21 of the bill and corrects a cross-reference. Section B-11 makes the changes effective retroactively.

Section B-12 repeals a subsection concerning continuation of insurance coverage that was amended by one Public Law chapter and repealed by another Public Law chapter that incorporated the substance of the provision elsewhere.

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2 Section B-13 repeals a section on insurance adjusters that
has been reallocated by another bill this year.

4 Section B-14 corrects a cross-reference concerning
certification of health maintenance organizations.

6 Sections B-15, B-16 and B-17 correct a conflict concerning
8 certifying nonattorneys to represent the State and municipalities
in court.

10 Sections B-18, B-19 and B-20 correct conflicts concerning
12 occupational therapy practitioners.

14 Section B-21 corrects the language in provisions concerning
the qualifications for speech-language pathologists, audiologists
16 and assistants.

18 Section B-22 corrects a conflict concerning quality
improvement councils within the Department of Mental Health,
20 Mental Retardation and Substance Abuse Services.

22 Section B-23 corrects a conflict in the civil commitment
laws.

24 Section B-24 corrects a conflict in the property tax program
26 laws by repealing a paragraph that was repealed by one Public Law
chapter and amended by another Public Law chapter solely to
28 correct a cross-reference.

30 Part C

32 Part C contains corrections that are substantive corrections
of errors.

34 Section C-1 corrects the date that applies to retirement
36 benefits for state fire marshals, state fire marshal
investigators and state fire marshal inspectors. Section C-2
38 makes the corrections retroactive.

40 Section C-3 specifies that Probate Courts can no longer
accept wills for safekeeping during the life of a testator.
42 Section C-4 makes it retroactive to the effective date of
legislation that addressed this issue last year.

44 Sections C-5 and C-6 correct a substantive conflict
46 concerning general powers of attorney and financial powers of
attorney. In addition, language is added to make clear that
48 financial powers of attorney executed prior to the effective date
of last year's requirements are not subject to those requirements.
50

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2 Sections C-7 and C-8 correct provisions concerning
violations of protection from abuse orders created by the
4 recodification of Title 19. Section C-8 makes the correction
retroactive to the effective date of the recodification.

6 Sections C-9 and C-10 correct the revision of AFDC to TANF
pursuant to a revision clause. Section C-9 corrects the
8 provision concerning the State's ability to recoup overpayments
of welfare benefits to include both AFDC under the former program
10 and TANF under the current program. Section C-10 makes the
corrections retroactive.

12 **Part D**

14 Part D reconciles laws enacted last year concerning the
16 Maine Jobs Council and the duties it has assumed with the repeal
of various labor and job training councils. Public Law 1997,
18 chapter 410 created the Maine Jobs Council; Public Law 1997,
chapter 522 amended the duties of the State Apprenticeship and
20 Training Council.

22 **Part E**

24 Part E contains substantive changes.

26 Section E-1 authorizes the Chief Justice of the Supreme
Judicial Court to assign Supreme Court Justices to sit in
28 District Court and Administrative Court. The Chief Justice
currently has the authority to assign a Supreme Court Justice to
30 sit in Superior Court.

32 Sections E-2, E-3 and E-4 carry out the intent of PL 1997,
chapter 466 to allow humane agents and state veterinarians to
34 enforce the animal welfare laws in court even if they are not
attorneys. These sections add to the exceptions to the
36 prohibition on the unauthorized practice of law.

38 Sections E-5 and E-6 correct an error made in the final
printing of the Committee Amendment to a bill last year
40 concerning who is required to receive permission from the Probate
Court before a marriage can proceed. Section E-6 makes the
42 correction retroactive to the effective date of the change.