

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2173

S.P. 803

In Senate, January 26, 1998

An Act to Correct Errors and Inconsistencies in the Laws of Maine.

(EMERGENCY)

Submitted pursuant to the Maine Revised Statutes, Title 1, section 94.
Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LONGLEY of Waldo.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, Acts of this and previous Legislatures have
6 resulted in certain technical errors and inconsistencies in the
laws of Maine; and

8 Whereas, these errors and inconsistencies create
10 uncertainties and confusion in interpreting legislative intent;
and

12 Whereas, it is vitally necessary that these uncertainties
14 and this confusion be resolved in order to prevent any injustice
or hardship to the citizens of Maine; and

16 Whereas, in the judgment of the Legislature, these facts
18 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
20 necessary for the preservation of the public peace, health and
safety; now, therefore,

22 **Be it enacted by the People of the State of Maine as follows:**

24 **Sec. 1. 5 MRSA §285, sub-§7,** as amended by PL 1997, c. 24, Pt.
26 C, §1 and c. 80, §4, is repealed and the following enacted in its
place:

28 7. Payment by State. Except as otherwise provided in this
30 subsection, the State, through the commission, shall pay 100% of
32 only the employee's share of the individual premium for the
34 standard plan identified and offered by the commission and
36 available to the employee as authorized by the commission, except
38 for Legislators, for whom the State shall pay 50% of the health
40 plan premium for dependent coverage. For any person appointed to
a position after November 1, 1981, who is employed less than full
time, the State shall pay a share of the employee's share reduced
pro rata to reflect the reduced number of work hours. The State
may not pay any portion of the health plan premium for a blind
person eligible for the group health plan under subsection 1,
paragraph H.

42 For persons who were first employed before July 1, 1991, the
44 State shall pay 100% of only the retiree's share of the premiums
46 for the standard plan identified and offered by the commission
48 and available to the retiree, as authorized by the commission for
persons who were previously eligible for this health plan
pursuant to subsection 1, paragraph A and who have subsequently
become eligible pursuant to subsection 1, paragraph G.

50

2 For persons who were first employed by the State after July 1,
3 1991, the State shall pay a pro rata share portion of only the
4 retiree's share of the premiums for the standard plan identified
5 and offered by the commission and available to the retiree, as
6 authorized by the commission for persons who were previously
7 eligible for this health plan pursuant to subsection 1, paragraph
8 A and who have subsequently become eligible pursuant to
9 subsection 1, paragraph G based on the total number of years of
10 participation in the group health plan prior to retirement as
11 follows:

<u>Years of Participation</u>	<u>State Portion</u>
12 <u>10 or more years</u>	<u>100% group health plan</u> <u>premium</u>
14 <u>9 but less than 10 years</u>	<u>90% group health plan</u> <u>premium</u>
16 <u>8 but less than 9 years</u>	<u>80% group health plan</u> <u>premium</u>
18 <u>7 but less than 8 years</u>	<u>70% group health plan</u> <u>premium</u>
20 <u>6 but less than 7 years</u>	<u>60% group health plan</u> <u>premium</u>
22 <u>5 but less than 6 years</u>	<u>50% group health plan</u> <u>premium</u>
24 <u>Less than 5 years</u>	<u>No contribution</u>

26
28 **Sec. 2. 8 MRSA §272-A, sub-§2**, as enacted by PL 1997, c. 474,
29 §2 and affected by §6, is amended to read:

30
31 **2. Bargaining agent funding.** One and one-half percent of
32 the amounts deposited in the trust account each month must be
33 paid to the exclusive bargaining agent for horsepersons at that
34 ~~race-track~~ racetrack if that a representative has been elected
35 pursuant to section 285.

36
37 **Sec. 3. 8 MRSA §285**, as enacted by PL 1997, c. 474, §5, is
38 reallocated to Title 8, section 285-A.

39
40 **Sec. 4. 8 MRSA §285, sub-§3**, as enacted by PL 1997, c. 528,
41 §46 and affected by §47, is repealed and the following enacted in
42 its place:

43
44 **3. Membership.** The board consists of 9 members, to be
45 appointed by the commissioner as follows:

46
47 A. Two persons representing commercial tracks: one
48 representing and recommended by each of the 2 commercial
49 harness racing tracks in the State;

- 2 B. One person recommended by an association in Maine
representing harness horsemen;
- 4 C. Two persons recommended by an association in Maine
representing Standardbred breeders and owners;
- 6 D. One person nominated by the Maine Association of
8 Agricultural Fairs;
- 10 E. One person who represents the interests of off-track
betting facilities; and
- 12 F. Two persons who are members of the general public with
14 an interest in harness racing.

16 Members serve 3-year terms.

18 **Sec. 5. 9-B MRSA §352, sub-§3**, as amended by PL 1997, c. 398,
Pt. G, §2, is further amended to read:

20

22 **3. Vote of investors.** The plan of merger or consolidation,
as approved by the superintendent, must be submitted to the
investors of the participating institutions for their approval at
24 an annual meeting, or at a special meeting called for that
purpose, in accordance with section 351, subsection 4 and the
26 following provisions.

28 ~~Notice required pursuant to section 351, subsection 4 must~~
~~state that dissenting investors will be entitled to payment~~
30 ~~only for the value of those equity interests that are voted~~
~~against approval of the plan. Published notice may be waived~~
32 ~~if written waivers are received from the holders of 2/3 of~~
~~the outstanding voting equity interests of each class stock~~
34 ~~of each participating institution.~~

36 Notice required pursuant to section 351, subsection 4 must state
that dissenting investors will be entitled to payment only for
38 the value of those equity interests that are voted against
approval of the plan. Published notice may be waived if written
40 waivers are received from the holders of 2/3 of the outstanding
voting equity interests of each class stock of each participating
42 institution.

44 **Sec. 6. 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 its
46 place:

48 11. Annuities. A financial institution, credit union or
financial institution holding company, or a subsidiary or
50 employee of such an entity, authorized to do business in the

2 State may sell, or arrange for the sale of, through a licensed
3 3rd-party, annuities purchased from a licensed insurance company
4 and may share commissions in connection with the sale of
5 annuities pursuant to the provisions of Title 24-A. A financial
6 institution, a credit union or a financial institution holding
7 company or an employee or subsidiary of such an entity must be
8 licensed in accordance with Title 24-A, section 1416 before
9 engaging in any of the activities concerning the sale of
10 annuities authorized by this subsection.

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

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

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

22 C. Before a sale of annuities is completed, shall obtain a
23 written statement signed by the purchaser of the annuities
24 stating that the purchaser received the oral notice required
25 by paragraph B.

26 **Sec. 7. 9-B MRSA §1015, sub-§1, ¶E, as amended by PL 1997, c.**
27 **182, Pt. A, §11 and c. 398, Pt. K, §10, is repealed and the**
28 **following enacted in its place:**

29 E. Authority for any financial institution holding company,
30 foreign bank or foreign bank holding company controlling a
31 Maine financial institution to engage in a closely related
32 activity in Maine, or acquisition or establishment of a
33 subsidiary in Maine to engage in a closely related activity.

34 **Sec. 8. 9-B MRSA §1225, sub-§1, as enacted by PL 1997, c. 398,**
35 **Pt. J, §2, is amended to read:**

36 **1. Percentage of common stock.** A person who owns 25% of or
37 more of the merchant bank's common stock or similar equity
38 capital;

39 **Sec. 9. 10 MRSA §948, as enacted by PL 1997, c. 556, §3, is**
40 **repealed and the following enacted in its place:**

41 **§948. Administration of fund**

2 1. Administration of fund. The Board of Trustees of the
3 University of Maine System shall administer the fund. The board
4 may utilize the assets of the fund to carry out and effectuate
5 the purposes, duties and responsibilities of this chapter,
6 including, but not limited to:

8 A. Taking actions in partnership with private enterprise,
9 the Federal Government and private and public research
10 institutions to:

12 (1) Invest in applied research and development in the
13 target areas within the University of Maine System; and

14 (2) Support the development of private enterprise
15 based upon research and development performed within
16 the University of Maine System;

18 B. Receiving money from any public or private source to
19 augment state contributions to the fund;

22 C. Approving an annual budget for the fund and investing
23 and expending money from within the fund;

24 D. Contracting with public entities as necessary to further
25 the directives of this section;

28 E. Carrying forward any unexpended state appropriations
29 into succeeding fiscal years;

30 F. Providing an annual report to the Governor and the
31 Legislature by January 1st of each regular session of the
32 Legislature setting forth:

34 (1) The operations and accomplishments of the fund
35 during the fiscal year; and

38 (2) The assets and liabilities of the fund at the end
39 of its most recent fiscal year; and

40 G. Protecting all intellectual property in accordance with
41 the "University of Maine System Statement of Policy
42 Governing Patents and Copyrights," including, but not
43 limited to, proprietary information contained in proposals,
44 grants, contracts or other legal agreements. Publication of
45 information may be reasonably delayed until appropriate
46 measures have been taken to protect the intellectual
47 property.

2 **Sec. 10. 11 MRSA §8-1102, sub-§(1), ¶(i),** as enacted by PL 1997,
c. 429, Pt. B, §2, is amended to read:

4 (i) "Financial asset," except as otherwise provided in
6 section 8-1103, means:

8 (i) A security;

10 (ii) An obligation of a person or a share,
12 participation or other interest in a person or in
14 property or an enterprise of a person that is, or is of
a type, dealt in or traded on financial markets or that
is recognized in any area in which it is issued or
dealt in as a medium for investment; or

16 (iii) Any property that is held by a securities
18 intermediary for another person in a securities account
20 if the securities intermediary has expressly agreed
with the other person that the property is to be
treated as a financial asset under this Article.

22 ~~As context requires, the term means either the interest~~
24 ~~itself or the means by which a person's claim to it is~~
26 ~~evidenced, including a certificated or uncertificated~~
~~security, a security certificate or a security~~
~~entitlement.~~

28 As context requires, the term means either the interest
30 itself or the means by which a person's claim to it is
32 evidenced, including a certificated or uncertificated
security, a security certificate or a security entitlement.

34 **Sec. 11. 12 MRSA §683, first ¶,** as amended by PL 1997, c. 346,
§1 and c. 549, §1 and affected by §2, is repealed and the
following enacted in its place:

36 The Maine Land Use Regulation Commission, as established by
38 Title 5, section 12004-D, subsection 1 to carry out the purposes
40 stated in section 681, is created within the Department of
42 Conservation, and in this chapter called the "commission." The
44 commission is charged with implementing this chapter in all of
46 the unorganized and deorganized areas of the State. The
48 commission consists of 7 public members, none of whom may be
50 state employees, who must be appointed by the Governor, subject
to review by the joint standing committee of the Legislature
having jurisdiction over conservation matters and to confirmation
by the Legislature, for staggered 4-year terms. Of the potential
appointees to the commission, the Governor shall actively seek
and give consideration to persons who are knowledgeable in
commerce and industry; fisheries and wildlife; forestry; and

2 conservation. In addition the Governor shall actively seek and
3 give consideration to persons residing in or near the unorganized
4 areas of the State and to persons residing on unorganized coastal
5 islands. At least 4 members must be residents within the
6 commission's jurisdiction. A county commissioner, county
7 employee, municipal official or municipal employee is not
8 considered to hold an incompatible office for purposes of
9 simultaneous service on the commission. If a county or
10 municipality is a participant in an adjudicatory proceeding
11 before the commission, a commissioner, official or employee from
12 that county or municipality may not participate in that
13 proceeding.

14 **Sec. 12. 14 MRSA §6005, first ¶,** as amended by PL 1997, c. 151,
15 §2 and c. 336, §1, is repealed and the following enacted in its
16 place:

17 When the defendant is defaulted or fails to show sufficient
18 cause, judgment must be rendered against the defendant by the
19 District Court for possession of the premises. Seven calendar
20 days after the judgment is entered, the court shall issue the
21 writ of possession to remove the defendant. The writ may be
22 served by a sheriff or a constable. If at least 3 good faith
23 efforts on 3 different days have been made to serve the
24 defendant, service may be accomplished by both mailing the notice
25 by first-class mail to the defendant's last known address and
26 leaving the writ of possession at the defendant's last and usual
27 place of abode. A writ of possession may not issue in any case
28 in which the ground for termination of the tenancy was rent
29 arrears and the defendant paid the amount necessary to
30 reinstate the tenancy as provided by section 6002.

31 **Sec. 13. 15 MRSA §1028, sub-§1, ¶A,** as amended by PL 1997, c.
32 543, §10, is further amended to read:

33 A. If the defendant chooses to have a de novo determination
34 of bail, the defendant must be furnished with a petition
35 and, upon execution of the petition and without the issuance
36 of any writ or other process, the sheriff of the county in
37 which the decision was made shall provide for the
38 transportation of the defendant together with the petition
39 and all papers relevant to the petition or copies of the
40 petition or papers to the Superior Court.
41

42 If no Justice of the Superior Court will be available within
43 24 48 hours, excluding Saturdays, Sundays and holidays,
44 arrangements must be made for a de novo determination of
45 bail in the nearest county in which a Justice of the
46 Superior Court is then sitting. The defendant's custodian
47 shall provide transportation to the Superior Court as
48
49
50

2 required by this chapter without the issuance of any writ or
other process.

4 If there is no Justice of the Superior Court available, the
6 defendant must be retained in custody until the petition can
be considered.

8 **Sec. 14. 15 MRSA §3308, sub-§7, ¶B,** as amended by PL 1997, c.
10 278, §1 and c. 421, Pt. A, §5, is repealed and the following
enacted in its place:

12 B. Nothing in this section precludes dissemination of any
14 information in the records of court proceedings or other
16 records described in subsection 5 by one criminal justice
18 agency to another criminal justice agency for the purpose of
the administration of criminal justice, the administration
of juvenile criminal justice and for criminal justice agency
employment, as long as:

20 (1) The person concerning whom the records are sought
22 has been convicted of a crime as an adult;

24 (2) The person concerning whom the records are sought
has been adjudicated as having committed a juvenile
26 crime that, if committed by an adult, would be defined
as a Class A, B or C crime by Title 17-A, the Maine
28 Criminal Code, or by any other criminal statute outside
that code;

30 (3) The person concerning whom the records are sought
has been adjudicated as having committed a juvenile
32 crime with the use of a dangerous weapon, as defined in
Title 17-A, section 2, subsection 9;

34 (4) The person concerning whom the records are sought
36 has been adjudicated as having committed 2 or more
juvenile crimes that, if committed by an adult, would
38 be defined as Class D or Class E crimes by Title 17-A,
40 the Maine Criminal Code, or by any other criminal
statute outside that code; or

42 (5) The person seeking the records is the prosecuting
attorney in any proceeding and the person concerning
44 whom the records are sought is a defendant in that
proceeding.

46 **Sec. 15. 17 MRSA §2802,** as amended by PL 1997, c. 540, §4, is
48 further amended to read:

50 **§2802. Miscellaneous nuisances**

2 The erection, continuance or use of any building or place
3 for the exercise of a trade, employment or manufacture ~~which~~
4 that, by noxious exhalations, offensive smells or other
5 annoyances, becomes injurious and dangerous to the health,
6 comfort or property of individuals, or of the public; causing or
7 permitting abandoned wells or tin mining shafts to remain
8 unfilled or uncovered to the injury or prejudice of others;
9 causing or suffering any offal, filth or noisome substance to
10 collect, or to remain in any place to the prejudice of others;
11 obstructing or impeding, without legal authority, the passage of
12 any navigable river, harbor or collection of water; corrupting or
13 rendering unwholesome or impure the water of a river, stream,
14 pond or aquifer; imprudent operation of a watercraft as defined
15 in Title 12, section 7801, subsection 11-A; unlawfully diverting
16 it the water of a river, stream, pond or aquifer from its natural
17 course or state, to the injury or prejudice of others; and the
18 obstructing or encumbering by fences, buildings or otherwise, of
19 highways, private ways, streets, alleys, commons, common landing
20 places or burying grounds are nuisances within the limitations
21 and exceptions mentioned. Any places where one or more old,
22 discarded, ~~worn-out~~ worn-out or junked motor vehicles as defined
23 in Title 29-A, section 101, subsection 42, or parts thereof, are
24 gathered together, kept, deposited or allowed to accumulate, in
25 such manner or in such location or situation, either within or
26 without the limits of any highway, as to be unsightly, detracting
27 from the natural scenery or injurious to the comfort and
28 happiness of individuals and the public, and injurious to
29 property rights, are ~~declared-to-be~~ public nuisances.

30 **Sec. 16. 18-A MRSA §9-204, sub-§(b)**, as enacted by PL 1995, c.
31 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

32 (b) Except as otherwise provided by this section, a
33 ~~petition-for~~ termination of parental rights petition is subject
34 to the provisions of Title 22, chapter 1071, subchapter VI.

35 **Sec. 17. 18-A MRSA §9-314**, as enacted by PL 1995, c. 694, Pt.
36 C, §7 and affected by Pt. E, §2, is amended to read:

37 **§9-314. Immunity from liability for good faith reporting;**
38 **proceedings**

39 A person, including an agent of the department, who
40 participates in good faith in reporting violations of this
41 ~~chapter~~ article or participates in a related child protection
42 investigation or proceeding is immune from any criminal or civil
43 liability for reporting or participating in the investigation or
44 proceeding. For purposes of this section, "good faith" does not

2 include instances when a false report is made and the person
knows the report is false.

4 **Sec. 18. 19-A MRSA §2351, sub-§1**, as amended by PL 1997, c.
466, §19 and affected by §28 and as amended by c. 537, §45 and
6 affected by §62, is repealed and the following enacted in its
place:

8
10 1. Subrogation of support rights. If a support order
12 exists, the department is subrogated to the right of a dependent
14 child or person having custody of the child named in the order to
16 pursue any support action or administrative remedy to secure
18 payment of the debt accrued or accruing under section 2301 and to
20 enforce the order. The department is not required to seek an
22 amendment to the support order to subrogate itself to the rights
24 of the payee. The department is not required to file a motion to
26 intervene or join in any court proceeding to subrogate itself to
the rights of the payee and to be treated as a party in any
further proceedings regarding the support order. Upon notice to
the parties, the department may order an obligor or other payor
of child support to redirect payments to the department if
payments are owed to the department or another state pursuant to
an assignment of support rights or if payments are otherwise
required to be made through the department. A person who
knowingly violates the department's order commits a civil
violation for which the court may adjudge a forfeiture not to
exceed \$500 plus interest, attorney's fees and costs.

28
30 **Sec. 19. 20-A MRSA §13011, sub-§1, ¶D**, as amended by PL 1997,
c. 452, §4 and c. 553, §2, is repealed and the following enacted
in its place:

32
34 D. Seek a revocation of a certificate or authorization in
the Administrative Court;

36 **Sec. 20. 21-A MRSA §1052, sub-§4, ¶A**, as enacted by PL 1985,
c. 161, §6, is amended to read:

38 A. Includes:

40 (1) A purchase, payment, distribution, loan, advance,
42 deposit or gift ~~ex~~ of money or anything of value, made
44 for the purpose of influencing the nomination or
election of any person to political office; or for the
46 initiation, support or defeat of a campaign, referendum
or initiative in this State;

48 (2) A contract, promise or agreement, expressed or
implied, whether or not legally enforceable, to make

2 any expenditure for the purposes set forth in this
paragraph; and

4 (3) The transfer of funds by a political action
6 committee to another candidate or political committee;
and

8 **Sec. 21. 23 MRSA §3032, sub-§2**, as enacted by PL 1987, c. 385,
10 §2, is further amended to read:

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

26 **Sec. 22. 24-A MRSA §1858**, as enacted by PL 1997, c. 86, §1,
is reallocated to 24-A MRSA §1476.

28 **Sec. 23. Retroactivity.** The section of this Act that
30 reallocates the Maine Revised Statutes, Title 24-A, section 1858
is retroactive to October 1, 1997.

32 **Sec. 24. 24-A MRSA §2848, sub-§1-C, ¶B**, as enacted by PL 1997,
34 c. 445, §20 and affected by §32, is amended to read:

36 B. Whose most recent prior creditable coverage was under a
38 group health plan, governmental plan, church plan or health
insurance coverage offered in connection with any such plan;

40 **Sec. 25. 26 MRSA §1043, sub-§11, ¶F**, as amended by PL 1997, c.
42 349, §§1 and 2 and c. 431, §§1 and 2 and corrected by RR 1997, c.
1, §§23 and 24, is further amended by repealing and replacing
subparagraph (39) to read:

44 (39) Services performed by a direct seller as defined
46 in 26 United States Code, Section 3508, Subsection (b),
48 Paragraph (2). This subparagraph does not include a
person selling major improvements or renovations to the
structure of a home, business or property;

2 **Sec. 26. 26 MRSA §2101**, as enacted by PL 1987, c. 356, is
amended to read:

4 **§2101. Definitions**

6 As used in this chapter, unless the context indicates
otherwise, the following terms have the following meanings.

8
10 **1. Fire department.** "Fire department" means a municipal
fire department, as defined in Title 30 30-A, section 3771 3151,
12 subsection 1, or a ~~voluntary~~ volunteer fire association, as
defined in Title 30 30-A, section 3771 3151, subsection 3.

14 **2. Firefighter.** "Firefighter" means a municipal
16 firefighter, as defined in Title 30 30-A, section 3771 3151,
subsection 2, or a volunteer firefighter, as defined in Title 30
18 30-A, section 3771 3151, subsection 4.

20 **Sec. 27. 28-A MRSA §1205, sub-§1**, as amended by PL 1997, c.
373, §110 and c. 414, §1, is repealed and the following enacted
in its place:

22 **1. Taste testing on off-premise retail licensee's premises;**
24 **fine wine stores.** Subject to the conditions in subsection 2, the
26 bureau may authorize an off-premise retail licensee, 50% or more
of whose gross income is derived from the sale of wine, malt
28 liquor or spirits, or a fine wine store to conduct taste testings
of wine on that licensee's premises. Any other consumption of
30 alcoholic beverages on an off-premise retail licensee's premises
is prohibited.

32 **Sec. 28. 29-A MRSA §512, sub-§1, ¶B**, as repealed and replaced
by PL 1997, c. 437, §11, is amended to read:

34 B. The fee is \$10 for each semitrailer, and the fee is \$5
36 for each trailer of not more than 2,000 pounds gross vehicle
weight.

38 Fees for the first 3 years of a registration may not be
40 refunded. Fees for the 4th and subsequent years may be
42 refunded prior to the start of the registration year
provided that the registration plate and certificate are
44 returned to the Secretary of State. After the start of the
registration year, fees for the current year may be refunded
46 if the ~~plate~~ plate and ~~certificates~~ certificate are returned
within 120 days and the Secretary of State is satisfied that
48 the credentials were not used during the registration period.

2 **Sec. 29. 29-A MRSA §1601, sub-§7-A**, as enacted by PL 1997, c.
165, §3 and c. 176, §3, is repealed and the following enacted in
its place:

4 **7-A. Proof of financial responsibility following**
6 **violation.** A person who violates this section is subject to the
proof of financial responsibility requirements under section 1605.

8 **Sec. 30. 34-B MRSA §3610**, as enacted by PL 1997, c. 423, §3,
10 is repealed and the following enacted in its place:

12 **§3610. Safety net services**

14 The department is responsible for providing a safety net of
16 adult mental health services for people with major mental illness
who the department or its designee determines can not otherwise
18 be served by the local service networks. The department may
develop contracts to deliver safety net services if the
20 department determines contracts to be appropriate and
cost-effective. The state-operated safety net must include, but
is not limited to:

22 **1. Beds.** Backup emergency hospital beds for people
24 requiring medical stabilization, assessment or treatment;

26 **2. Treatment.** Intermediate and long-term treatment for
28 people who need long-term structured care;

30 **3. Forensic services.** Forensic services;

32 **4. Intensive case management.** Intensive case management;
and

34 **5. Other services.** Other services determined by the
36 commissioner to be needed.

38 **Sec. 31. 34-B MRSA §3862, sub-§1, ¶B**, as amended by PL 1997,
c. 422, §6 and c. 438, §1, is repealed and the following enacted
in its place:

40 **B.** If the law enforcement officer does take the person into
42 protective custody, shall deliver the person immediately for
examination as provided in section 3863. If the examination
44 occurs in a hospital emergency room, the examination may be
performed by a licensed physician, a licensed clinical
46 psychologist, a physician's assistant, a nurse practitioner
or a certified psychiatric clinical nurse specialist. If
48 the examination does not occur in a hospital emergency room,
the examination may be performed only by a licensed
50 physician or licensed clinical psychologist.

2 discuss and study the requirements of a uniform system for the
3 registration, storage and handling of petroleum products,
4 hazardous materials and other substances with the potential to
5 contaminate groundwater. The committee need not consider spill
6 prevention, control and countermeasures plans and related
7 procedures for activities regulated under Title 38, chapter 3,
8 subchapter I, articles 7 and 8. The committee shall develop
9 recommendations regarding required legislative or regulatory
10 action and submit them to the Land and Water Resources Council no
11 later than January 10, 1998. The Land and Water Resources
12 Council may submit legislation based on these recommendations to
13 the ~~First~~ Second Regular Session of the 118th Legislature no
14 later than January 20, 1998.

15
16 The Department of Environmental Protection shall develop, in
17 concert with the Department of Conservation, the Department of
18 Human Services and other affected state agencies, water
19 utilities, water bottlers and other interested parties, a program
20 to minimize the potential for unreasonable adverse impact on the
21 availability of groundwater to support existing uses. This
22 program may have both regulatory and nonregulatory components and
23 must assess the availability of groundwater in different regions
24 of this State to support future development without unreasonable
25 adverse impacts on existing uses or the natural environment. The
26 Department of Environmental Protection shall present
27 recommendations for any statutory requirements to the Land and
28 Water Resources Council no later than January 10, 1998. The Land
29 and Water Resources Council may submit legislation based on these
30 recommendations to the ~~First~~ Second Regular Session of the 118th
31 Legislature no later than January 20, 1998.

32 **Sec. 36. Retroactivity.** That section of this Act that amends
33 Public Law 1995, chapter 704, Part A, section 25 applies
34 retroactively to July 1, 1997.

35 **Sec. 37. PL 1995, c. 704, Pt. C, §1,** as amended by PL 1997, c.
36 502, §13, is further amended to read:

37
38 **Sec. C-1. Rule-making authority.** The Department of
39 Environmental Protection has authority to adopt rules in
40 accordance with the Maine Revised Statutes, Title 5, chapter 375
41 to implement Title 38, section 420-D; section 484, subsection 2,
42 paragraph B; and section 485-A, subsection 1-C, as enacted by
43 this Act and in accordance with the terms of those sections.
44 Such rules, except those adopted pursuant to Title 38, section
45 420-D, subsection 11, must be provisionally adopted and submitted
46 to the Legislature for review as major substantive rules pursuant
47 to Title 5, chapter 375, subchapter II-A no later than February
48 28, 1997. Rulemaking to update the first comprehensive lists of
49 "watersheds of bodies of water most at risk from new development"
50

2 and "sensitive or threatened regions of or watersheds" is not
3 considered major substantive rulemaking pursuant to Title 5,
4 chapter 375, subchapter II-A.

6 **Sec. 38. PL 1997, c. 507, §4** is amended to read:

8 **Sec. 4. Effective date.** Those sections of this Act that ~~repeal~~
9 ~~the Maine Revised Statutes, Title 19-A, section 652, subsection~~
10 7, amend Title 19-A, section 652, subsection 8 and enact Title
11 19-A, section 4013, subsection 4 take effect October 1, 1997.

12 **Sec. 39. PL 1997, c. 530, Pt. A, §27** is amended to read:

14 **Sec. A-27. 22 MRSA §3788-A**, as enacted by PL 1995, c. 418,
15 Pt. A, §34, is amended to read:

16 **§3788-A. MaineServe**

18 The department shall establish a MaineServe program designed
19 to provide parents who are eligible for AFDC TANF assistance
20 opportunities to serve their communities and the State.

22 **1. Purposes.** The purposes of the MaineServe program are as
23 follows:

26 A. To meet the human, educational, environmental and public
27 safety needs of this State without displacing existing
28 workers;

30 B. To renew the ethic of civic responsibility and the
31 spirit of community throughout the State;

32 C. To encourage parents who are eligible for AFDC TANF
33 assistance to engage in voluntary service to the State;

36 D. To expand and strengthen existing nonprofit and public
37 sector initiatives that are addressing the needs of their
38 communities and of the State; and

40 E. To provide parents who are eligible for AFDC TANF the
41 opportunities to serve their communities and the State in a
42 manner that assists them in developing and renewing their
43 skills in ways that may lead to employment that is
44 sufficient to sustain their families.

46 **2. Eligibility.** Any ASPIRE-JOBS ASPIRE-TANF participant
47 over 16 years of age is eligible to volunteer for MaineServe,
48 except that any person under 20 years of age who has not
completed high school or its equivalent must also participate in

2 an educational activity designed to complete high school
education.

4 3. **Duration of service.** MaineServe volunteers may serve
for up to 9 months. At the end of the service period, the
6 MaineServe volunteer and the ASPIRE-JOBS ASPIRE-TANF case manager
shall evaluate the MaineServe placement. If it is determined to
8 be appropriate, the MaineServe volunteer may renew the placement
within MaineServe.

10 4. **Conditions of service.** The MaineServe program is an
12 alternative work experience program subject to the standards set
out in the Social Security Act, 42 United States Code, Section
14 682(f).

16 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.
18

20 SUMMARY

22 Section 1 corrects a conflict created by Public Law 1997,
chapters 24 and 80, which both substantially affected the same
24 provision of law. This section corrects the conflict by
incorporating the changes made by both laws.
26

28 Section 2 corrects clerical errors.

30 Section 3 corrects a numbering conflict created by Public
Law 1997, chapters 474 and 528, which enacted two substantively
different provisions with the same section number.
32

34 Section 4 corrects a numbering problem.

36 Section 5 corrects an error in format.

38 Section 6 corrects a conflict created by Public Law 1997,
chapters 315 and 457, which affected the same provision of law.
Chapter 315 made substantive changes and corrected a
40 cross-reference and chapter 457 also made substantive changes and
corrected a cross-reference. This section repeals the provision
42 and replaces it with the chapter 457 version.

44 Section 7 corrects a conflict created by Public Law 1997,
chapters 182 and 398, which affected the same provision of law,
46 by incorporating the changes made by both laws.

48 Section 8 corrects a clerical error by changing the word
"of" to "or."
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2 Section 9 corrects an error in format.

4 Section 10 corrects an error in format.

6 Section 11 corrects a conflict created by Public Law 1997,
8 chapters 346 and 549, which affected the same provision of law,
by incorporating the changes made by both laws. It also corrects
a punctuation error.

10 Section 12 corrects a conflict created by Public Law 1997,
12 chapters 151 and 336, which affected the same section of law, by
incorporating the changes made by both laws.

14 Section 13 corrects a clerical error by striking out the
16 number "24." Public Law 1997, chapter 543 changes the amount of
time in which a de novo determination of bail must be made from
24 hours to 48 hours. The number "24" was never stricken.

18 Section 14 corrects a conflict created by Public Law 1997,
20 chapters 278 and 421, which both substantively affected the same
provision of law. This section corrects the conflict by
22 incorporating the changes made by both laws.

24 Section 15 corrects the use of a pronoun whose antecedent
26 was changed by the enactment of Public Law 1997, chapter 540 and
makes grammatical changes.

28 Section 16 corrects a clerical error by deleting a redundant
phrase.

30 Section 17 corrects an internal reference.

32 Section 18 corrects a conflict created by Public Law 1997,
34 chapters 466 and 537, which affected the same provision of law.
Chapter 466 repealed the term "an order of support," changing it
36 to "support order." Chapter 537 repealed the terms "an order of
support" and "spousal support order" and inserted the term
38 "support order" and also added 2 new sentences. This section
repeals the provision and replaces it with the chapter 537
40 version. It also makes punctuation changes.

42 Section 19 corrects a conflict created by Public Law 1997,
44 chapters 452 and 553, which affected the same provision of law.
Chapter 452 made a technical change and chapter 553 made a
substantive change. This section incorporates the changes made
46 by both laws.

48 Section 20 corrects an error by replacing the word "or" with
the word "of."

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Section 21 corrects cross-references.

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Section 22 corrects a conflict created by PL 1997, chapters 86 and 457, which affected the same provision of law. Chapter 457 repealed the Maine Revised Statutes, Title 24-A, chapter 17 and enacted a new chapter 16 transferring all of the provisions of chapter 17 to the new chapter 16. Public Law 1997, chapter 86 enacted a new section 1858 in chapter 17. This section corrects that conflict by reallocating section 1858 to Title 24-A, chapter 16, section 1476. Section 23 also makes it retroactive to October 1, 1997.

Section 24 corrects a punctuation error.

Section 25 corrects a conflict created by Public Law 1997, chapters 349 and 431, which affected the same provision of law and made punctuation changes. This section repeals the provision and replaces it with the chapter 431 version.

Section 26 corrects cross-references and corrects a term within the definition of "fire department."

Section 27 corrects a conflict created by Public Law 1997, chapters 373 and 414, which affected the same provision of law, by incorporating the changes made by both laws.

Section 28 corrects clerical errors by replacing the word "place" with the word "plate" and the word "certificates" with the word "certificate."

Section 29 corrects a conflict created by Public Law 1997, chapters 165 and 176, which enacted substantively similar provisions using the same subsection number. This section repeals that subsection and replaces it with the chapter 165 version.

Section 30 corrects an error in format by repealing paragraphs and replacing them with subsections and appropriate headnotes.

Section 31 corrects a conflict created by Public Law 1997, chapters 422 and 438, which affected the same provision of law, by incorporating the changes made by both laws.

Section 32 corrects a chapter headnote so that it accurately reflects the content of the chapter.

Section 33 corrects a clerical error by showing a provision of law as it was properly enacted, and removing language that

2 should not have appeared and section 34 makes it retroactive to
July 14, 1994.

4 Section 35 changes references to the First Regular Session
of the 118th Legislature to the Second Regular Session of the
6 118th Legislature and section 36 applies these changes
retroactively to July 1, 1997, which was the effective date of
8 the public law that enacted the provision.

10 Section 37 corrects a clerical error.

12 Section 38 removes a reference to a provision of law in an
effective date section of a public law because that provision is
14 not affected by the public law.

16 Section 39 corrects a clerical error.