

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 30, L.D. 30, Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine"

Amend the amendment by inserting after Part E the following:

PART F

Sec. F-1. 13 MRSA §705, as amended by PL 2001, c. 260, Pt. F, §1 and c. 337, §1, is repealed and the following enacted in its place:

§705. Corporate organization

1. Rendering same and specific professional service. An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional service within this State may organize and become a shareholder or shareholders of a professional corporation under the corporation laws for the sole and specific purpose of rendering the same and specific professional service.

2. Exceptions. Notwithstanding any other provisions of law:

A. For the purposes of this chapter, osteopathic physicians licensed under Title 32, chapter 36 and physicians and surgeons licensed under Title 32, chapter 48 are considered to render the same professional service;

B. For the purposes of this chapter, optometrists licensed under Title 32, chapter 34-A and ophthalmologists licensed under Title 32, chapter 36 or 48 may organize and become the sole shareholders of the same professional corporation under

2 the corporation laws for the sole and specific purpose of
3 rendering their respective professional services that are
4 considered to be complementary to one another;

5 C. Nonlicensed individuals may organize with individuals
6 who are licensed under Title 32, chapter 113, and may become
7 shareholders of a firm licensed to practice public
8 accountancy under Title 32, section 12252, as long as all of
9 the requirements for licensure under Title 32, section
10 12252, subsection 3 are met by the firm; and

11 D. For the purposes of this chapter, a denturist licensed
12 under Title 32, chapter 16 may organize with a dentist who
13 is licensed under Title 32, chapter 16 and may become a
14 shareholder of a dental practice incorporated under the
15 corporation laws. At no time may a denturist or denturists
16 in sum have an equal or greater ownership interest in a
17 dental practice than the dentist or dentists have in that
18 practice.

19
20 **Sec. F-2. 15 MRSA §3310, sub-§3,** as amended by PL 1977, c.
21 664, §31, is further amended to read:

22
23 **3. Evidence of mental illness or incapacity.** If it appears
24 from the evidence that the juvenile may be a mentally ill person,
25 as defined in Title 34-B, section 3801, subsection 5, or an
26 incapacitated person, as defined in Title 34,--section--2616,
27 subsection 1 and section 2251 34-B, section 5001, subsection 2,
28 then subsection 2 shall does not apply and the court shall
29 proceed pursuant to section 3318.

30
31 **Sec. F-3. 15 MRSA §3318,** as amended by PL 1989, c. 621, §8,
32 is further amended to read:

33 **§3318. Mentally ill or incapacitated juveniles**

34
35 **1. Suspension of proceedings.** If it appears that a juvenile
36 may be a mentally ill person, as defined in Title 34-B, section
37 3801, subsection 5, or an incapacitated person, as defined in
38 Title 34,--section--2616,--subsection--1 34-B, section 5001,
39 subsection 2, the court shall suspend the proceedings on the
40 petition and shall either:
41

42
43 A. Initiate proceedings for voluntary or involuntary
44 commitments as provided in Title 34 34-B, sections 2290 3831
45 and 2333 3863; or

46
47 B. Order that the juvenile be examined by a physician or
48 psychologist and refer the juvenile to a suitable facility
49 or program for the purpose of examination, the costs of such
50

2 ~~such an~~ that examination to be paid by the court. If the report of
4 long-term hospitalization or institutional confinement is
6 voluntary or involuntary commitment as provided in section
8 101-B and in Title 34-B, chapter 3, subchapter IV. The
10 court shall continue the proceedings when a juvenile is
12 voluntarily or involuntarily committed.

14 **2. Resumption of proceedings.** The court shall set a time
16 for resuming the proceeding when:

18 A. The report of the examination made pursuant to
20 subsection 1, paragraph B states that the child is not
22 mentally ill or incapacitated to the extent that short-term
24 or long-term hospitalization or institutional confinement is
26 required; or

28 B. The child is not found by the appropriate court to be a
30 mentally ill person or an incapacitated person as defined in
32 section 101-B and in Title 34 34-B, section ~~2616~~,--subsection
34 1 5001.

36 **Sec. F-4. 17 MRSA §331, sub-§6**, as amended by PL 2001, c. 204,
38 §§1 and 2, is repealed and the following enacted in its place:

40 **6. Raffles with prizes of \$10,000 or less.** Notwithstanding
42 subsection 1, a license to conduct or operate a raffle as defined
44 in section 330, subsection 5, in which the holder of the winning
46 chance does not receive something of value worth more than
48 \$10,000, is not required of the following:

50 A. Any agricultural society eligible for the state stipend
52 under Title 7, section 62, or any bona fide, nonprofit
54 organization that is either charitable, educational,
56 political, civic, recreational, fraternal, patriotic or
58 religious or any auxiliary of such an organization;

60 B. Any volunteer police force, fire department or ambulance
62 corps;

64 C. Any class or organization of an elementary, secondary or
66 postsecondary educational institution operated or accredited
68 by the State; or

70 D. Any state agency that conducts or operates a raffle for
72 a donated item to benefit fish and wildlife conservation
74 projects.

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2 Any exempt organization, department or class or combination
4 listed in paragraph A, B, C or D may sponsor, operate and conduct
6 a raffle without a license only for the exclusive benefit of that
8 organization, department or class or combination, and that raffle
10 may be conducted only by duly authorized members of the
12 sponsoring organization, department or class or combination.

14 A state agency may not conduct or operate more than 2 raffles per
16 year pursuant to paragraph D.

18 **Sec. F-5. Effective date.** That section of this Part that
20 repeals and replaces the Maine Revised Statutes, Title 17,
22 section 331, subsection 6 takes effect 90 days after adjournment
24 of the First Regular Session of the 120th Legislature.

26 **PART G**

28 **Sec. G-1. 12 MRSA §7901, sub-§20, ¶¶D-1, D-2, D-3 and D-4** are
30 enacted to read:

32 D-1. Violation of a license, permit or certificate
34 restriction as described in section 7801, subsection 3;

36 D-2. Holding a regatta, race, boat exhibition or water-ski
38 exhibition without a permit as described in section 7801,
40 subsection 4;

42 D-3. Unlawfully crossing the area of an authorized regatta,
44 race, boat exhibition or water-ski exhibition as described
46 in section 7801, subsection 5;

48 D-4. Operating a motorboat carrying passengers for hire
50 without a certificate of number as described in section
7801, subsection 6;

Sec. G-2. 12 MRSA §7901, sub-§20, ¶¶H-1 and H-2 are enacted to
read:

H-1. Failure to report a watercraft accident as described
in section 7801, subsection 19;

H-2. Illegally operating a motorboat in a prohibited area
as described in section 7801, subsection 20;

Sec. G-3. 12 MRSA §7901, sub-§20, ¶Q-1 is enacted to read:

Q-1. Unlawfully operating a watercraft within the water
safety zone as described in section 7801, subsection 32;

2 **Sec. G-4. 12 MRSA §7901, sub-§20, ¶¶T and U**, as enacted by PL
2001, c. 387, §51, are amended to read:

4 T. Illegally operating a personal watercraft in a
6 prohibited area as described in section 7801, subsection 35;
and

8 U. Operating a rented or leased personal watercraft without
10 an identification decal as described in section 7801,
subsection 36; and

12 **Sec. G-5. 12 MRSA §7901, sub-§20, ¶V** is enacted to read:

14 V. Unlawfully renting or leasing a personal watercraft as
16 described in section 7801, subsection 37.

18 **Sec. G-6. 12 MRSA §7901, sub-§21, ¶¶Q and R**, as enacted by PL
1999, c. 771, Pt. A, §2 and affected by Pt. D, §§1 and 2, are
amended to read:

20 Q. Operating a snowmobile too close to certain buildings as
22 described in section 7827, subsection 20; and

24 R. Unlawfully permitting operation of a snowmobile as
26 described in section 7827, subsection 21; and

28 **Sec. G-7. 12 MRSA §7901, sub-§21, ¶¶S, T and U** are enacted to
read:

30 S. Failure to report a snowmobile accident as described in
32 section 7827, subsection 22;

34 T. Unlawful issuance of a snowmobile registration by an
agent as described in section 7827, subsection 24; and

36 U. Renting or leasing a personal watercraft as described in
38 section 7827, subsection 27.

40 **Sec. G-8. 12 MRSA §7901, sub-§22, ¶L-1** is enacted to read:

42 L-1. Failure to report an accident as described in section
44 7857, subsection 22;

46 **Sec. G-9. 12 MRSA §7901-A, sub-§12, ¶A**, as enacted by PL 2001,
c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended by
amending subparagraphs (32) and (33) to read:

48 (32) Illegally operating a personal watercraft in a
50 prohibited area as described in section 7801,
subsection 35; and

2 (33) Operating a rented or leased personal watercraft
4 without an identification decal as described in section
7801, subsection 36; and

6 **Sec. G-10. 12 MRSA §7901-A, sub-§12, ¶A,** as enacted by PL
2001, c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended by
8 adding subparagraph (34) to read:

10 (34) Unlawfully renting or leasing a personal
12 watercraft as described in section 7801, subsection 37.

14 **Sec. G-11. 12 MRSA §7901-A, sub-§12, ¶B,** as enacted by PL
2001, c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended by
16 amending subparagraphs (20) and (21) to read:

18 (20) Unlawful issuance of snowmobile registration as
described in section 7827, subsection 24; and

20 (21) Renting or leasing a snowmobile as described in
22 section 7827, subsection 26; and

24 **Sec. G-12. 12 MRSA §7901-A, sub-§12, ¶B,** as enacted by PL
2001, c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended by
26 repealing subparagraph (22).

28 **Sec. G-13. Effective date.** This Part takes effect July 1,
2001, except that those sections that amend the Maine Revised
30 Statutes, Title 12, section 7901-A, subsection 12, paragraph A,
subparagraphs (32) and (33) and enact Title 12, section 7901-A,
32 subsection 12, paragraph A, subparagraph (34) and amend Title 12,
section 7901-A, subsection 12, paragraph B, subparagraphs (20)
34 and (21) and repeal Title 12, section 7901-A, subsection 12,
paragraph B, subparagraph (22) take effect January 1, 2002.'

36 **FISCAL NOTE**

38 The decriminalization of certain violations may increase
40 fine revenue collected by the Department of Inland Fisheries and
Wildlife for the General Fund. The amounts can not be determined
42 at this time. If the amounts turn out to be significantly
greater than previously budgeted amounts, in order to meet the
44 constitutional requirement that the total level of General Fund
appropriations must at least be equal to the undedicated revenues
46 collected by the department, the department may require
additional General Fund appropriations.

48 This amendment may also reduce prosecutions for Class E
crimes. If the number of jail sentences is reduced, the savings

to the counties are estimated to be \$83.36 per day per prisoner. The amount of any reduction of jail time and the resulting savings to the county jail system are expected to be insignificant.

SUMMARY

Part F of this amendment makes these changes.

Section 1 repeals and replaces the Maine Revised Statutes, Title 13, section 705, which governs the corporate organization of individuals providing professional services, to correct a conflict created by the enactment of Public Law 2001, chapters 260 and 337, which both amend Title 13, section 705. Public Law 2001, chapter 260 amends Title 13, section 705 to allow a nonlicensed individual to organize with an individual licensed under the accountancy laws and to allow the nonlicensed individual to become a shareholder in a firm licensed to practice public accountancy. Public Law 2001, chapter 337 also amended Title 13, section 705 to allow a licensed denturist to organize with a licensed dentist and to become a shareholder in an incorporated dental practice. Section 1 repeals and replaces Title 13, section 705 and provides it with a new format to separate each exception to the general rule.

Sections 2 and 3 correct cross-references in the Maine Juvenile Code that were not amended when the Maine Revised Statutes, Title 34 was recodified.

Section 4 makes a technical correction in Public Law 2001, chapter 204, governing raffles conducted by state agencies to benefit fish and wildlife conservation projects, because the same provision of law was inadvertently amended twice. Public Law 2001, chapter 204, sections 1 and 2 amended the Maine Revised Statutes, Title 17, section 331, subsection 6. Section 4 repeals and replaces that subsection with the language contained in Public Law 2001, chapter 204, section 2. Section 5 makes the correction effective when Public Law 2001, chapter 204 takes effect, which is 90 days after adjournment.

Part G, sections 1 to 10 make several boating, snowmobile and ATV violations civil violations, consistent with the decriminalization efforts in Public Law 2001, chapter 421, which makes these civil violations as of January 1, 2002. By including them in the amendment, the change will take effect July 1, 2001.

Part G, sections 11 and 12 amend the law adopted by Public Law 2001, chapter 421 to move the civil violation of renting or

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leasing a personal watercraft into the proper location. These
changes are effective January 1, 2002, which is the effective
date of Public Law 2001, chapter 421.

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