

MAINE STATE LEGISLATURE

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Date: 6/20/07

L.D. 1904
(Filing No. H-630)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1338, L.D. 1904, Bill, "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill by inserting before section 1 the following:

'PART A'

Amend the bill by striking out all of sections 13 and 29.

Amend the bill in section 51 in the first line (page 10, line 24 in L.D.) by striking out the following: "Act" and inserting the following: 'Part'

Amend the bill by striking out all of section 52 and inserting the following:

'Sec. 52. 30-A MRSA §4722, sub-§1, ¶AA, as amended by PL 2007, c. 326, §2, is further amended to read:

AA. Certify transfers of multifamily affordable housing property that qualify for the deduction under Title 36, section 5122, subsection 2, paragraph ~~W~~ Z or Title 36, section 5200-A, subsection 2, paragraph Q. The affordability restrictions that apply under this paragraph must be contained in a declaration signed by the transferee and recorded in the appropriate registry of deeds at the time of the sale or transfer.

(1) For the purposes of this paragraph, "multifamily affordable housing property" means a decent, safe and sanitary dwelling, apartment building or other living accommodation that includes at least 6 units, that meets at least one of the following affordability restrictions and for which those affordability restrictions, as applicable, expire in 10 years or less from the date of the sale or transfer of the property:

(a) At least 20% of the units have restricted rents affordable to households earning no more than 80% of the area median income as determined by the United States Department of Housing and Urban Development;

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1 (b) The property is assisted by the United States Department of Housing and
2 Urban Development, the United States Department of Agriculture or the
3 Maine State Housing Authority; or

4 (c) The property qualifies for low-income housing credits under the United
5 States Internal Revenue Code of 1986, Section 42.

6 (2) For the purposes of this paragraph, property does not qualify as multifamily
7 affordable housing property unless:

8 (a) The transferee agrees to maintain the property as multifamily affordable
9 housing property for an additional 30 years from the scheduled expiration;

10 (b) If the existing federal, state or other assistance is not available to
11 maintain the property as multifamily affordable housing property, the
12 transferee agrees to ensure that 1/2 of the units are affordable to persons at
13 60% of the area median income as determined by the United States
14 Department of Housing and Urban Development for 30 years from the
15 expiration of the then-existing affordability restrictions; or

16 (c) The transferee agrees to an alternative affordability agreement approved
17 by the Maine State Housing Authority; and'

18 Amend the bill by striking out all of sections 58, 59 and 69.

19 Amend the bill by striking out all of section 75 and inserting the following:

20 'Sec. 75. Application. Those sections of this Part that repeal and replace the
21 Maine Revised Statutes, Title 36, section 5122, subsection 2, paragraph V and subsection
22 2, paragraph W and amend subsection 2, paragraph X apply to tax years beginning on or
23 after January 1, 2005. That section of this Part that enacts Title 36, section 5122,
24 subsection 2, paragraph Y applies to tax years beginning on or after January 1, 2007.'

25 Amend the bill by striking out all of section 76.

26 Amend the bill by striking out all of section 79.

27 Amend the bill by inserting at the end before the emergency clause the following:

28 **PART B**

29 **Sec. B-1. 5 MRSA §13090-H, sub-§1, ¶A**, as reallocated by RR 1995, c. 2, §11,
30 is amended to read:

31 A. The commission consists of 11 members appointed by the Governor.

32 (1) The members appointed must be involved in a related business field or have
33 experience or familiarity with media marketing or public relations. The Governor
34 shall ensure an equitable regional representation from the State.

35 (2) The Director of the Maine Arts Commission and the commissioner or the
36 commissioner's designee shall serve as ex officio, nonvoting members of the
37 commission.

1 **Sec. B-2. 5 MRSA §15302, sub-§3**, as amended by PL 2005, c. 425, §19, is
2 further amended to read:

3 **3. Board of Directors of the Maine Technology Institute.** The institute is
4 governed and all of its powers exercised by a board of directors, referred to in this chapter
5 as the "board," consisting of ~~12~~ 13 voting members and ~~3~~ 2 nonvoting members.

6 A. The Governor shall appoint 10 voting directors, 8 of whom must be
7 representatives of targeted technologies. The other 2 directors must have
8 demonstrated significant experience in finance, lending or venture capital. In making
9 the appointments from targeted technologies, the Governor shall consider
10 recommendations submitted by representatives of targeted technology sectors.
11 Directors of the board appointed by the Governor are entitled to receive
12 reimbursement at the legislative rate for necessary expenses for their attendance at
13 authorized meetings of the board.

14 B. The Commissioner of Economic and Community Development or the
15 commissioner's designee, the President of the Maine Community College System or
16 the president's designee and the Chancellor of the University of Maine System or the
17 chancellor's designee are ex officio voting directors.

18 C. The Director of the State Planning Office or the director's designee is an ex officio
19 nonvoting director.

20 D. The Maine Technology Institute Director is a nonvoting director.

21 **Sec. B-3. 9-A MRSA §3-315**, as enacted by PL 2007, c. 185, §1 and c. 273, Pt. A,
22 §1 and affected by §41, is repealed and the following enacted in its place:

23 **§3-315. Choice of accounting, tax or attest services provider**

24 A supervised lender may not, in connection with the extension of credit, interfere
25 with a purchaser's or borrower's free choice of an accounting, tax or attest services
26 provider who is accredited as a certified public accountant, public accountant or enrolled
27 agent, except that the supervised lender may require the provider chosen by the purchaser
28 or borrower to provide adequate evidence of liability insurance or such other written
29 policy requirements as the supervised lender may determine necessary to protect its
30 interest.

31 **Sec. B-4. 9-A MRSA §3-316** is enacted to read:

32 **§3-316. Real estate settlement procedures**

33 A creditor and its loan officers shall comply with the provisions of the federal Real
34 Estate Settlement Procedures Act of 1974, 12 United States Code, Section 2601 et seq.
35 and its implementing regulation, Regulation X, 24 Code of Federal Regulations, Section
36 3500 et seq.

37 **Sec. B-5. Effective date.** That section of this Part that repeals and replaces the
38 Maine Revised Statutes, Title 9-A, section 3-315 takes effect 90 days after the
39 adjournment of the First Regular Session of the 123rd Legislature. That section of this
40 Part that enacts Title 9-A, section 3-316 takes effect January 1, 2008.

1 **Sec. B-6. 9-A MRSA §8-103, sub-§1-A, ¶Q**, as enacted by PL 2007, c. 273, Pt.
2 A, §4 and affected by §41, is amended to read:

3 Q. "High-rate, high-fee mortgage" means a residential mortgage loan in which the
4 terms of the loan meet or exceed one or more of the thresholds defined in paragraph
5 CC FF.

6 **Sec. B-7. 9-A MRSA §9-311**, as enacted by PL 2007, c. 185, §2 and c. 273, Pt. A,
7 §25 and affected by §41, is repealed and the following enacted in its place:

8 **§9-311. Choice of accounting, tax or attest services provider**

9 A creditor may not, in connection with the extension of credit, interfere with a
10 purchaser's or borrower's free choice of an accounting, tax or attest services provider who
11 is accredited as a certified public accountant, public accountant or enrolled agent, except
12 that the creditor may require the provider chosen by the purchaser or borrower to provide
13 adequate evidence of liability insurance or such other written policy requirements as the
14 creditor may determine necessary to protect its interest.

15 **Sec. B-8. 9-A MRSA §9-311-A** is enacted to read:

16 **§9-311-A. Real estate settlement procedures**

17 A creditor and its loan officers shall comply with the provisions of the federal Real
18 Estate Settlement Procedures Act of 1974, 12 United States Code, Section 2601 et seq.
19 and its implementing regulation, Regulation X, 24 Code of Federal Regulations, Section
20 3500 et seq.

21 **Sec. B-9. 9-A MRSA §10-307**, as enacted by PL 2007, c. 273, Pt. A, §31 and
22 affected by §41, is amended to read:

23 **§10-307. Real estate settlement procedures**

24 A loan broker and its loan officers shall comply with the provisions of 12 United
25 States Code, Section 2601 et seq., the federal Real Estate Settlement Procedures Act of
26 1974 and its implementing regulation and, Regulation X, 24 Code of Federal Regulations,
27 Section 3500 et seq.

28 **Sec. B-10. Effective date.** That section of this Part that repeals and replaces the
29 Maine Revised Statutes, Title 9-A, section 9-311 takes effect 90 days after the
30 adjournment of the First Regular Session of the 123rd Legislature. Those sections of this
31 Part that amend Title 9-A, section 8-103, subsection 1-A, paragraph Q and Title 9-A,
32 section 10-307 and that enact Title 9-A, section 9-311-A take effect January 1, 2008.

33 **Sec. B-11. 17-A MRSA §16, sub-§2**, as amended by PL 2007, c. 144, §1 and c.
34 173, §7, is repealed and the following enacted in its place:

35 2. Any person who, in fact, is committing in the private person's presence and in a
36 public place any of the Class D or Class E crimes described in section 207; 209; 211;
37 254; 255; 501, subsection 2; 501-A, subsection 1, paragraph B; 503; 751; 806 or 1002.

1 **Sec. B-12. Effective date.** That section of this Part that repeals and replaces the
2 Maine Revised Statutes, Title 17-A, section 16, subsection 2 takes effect 90 days after the
3 adjournment of the First Regular Session of the 123rd Legislature.

4 **Sec. B-13. 19-A MRSA §352, sub-§1, ¶B-1,** as enacted by PL 2005, c. 323, §2,
5 is amended to read:

6 B-1. An active family ~~case-management officer~~ law magistrate;

7 **Sec. B-14. 20-A MRSA §401, sub-§1,** as amended by PL 2007, c. 179, §1, is
8 repealed and the following enacted in its place:

9 **1. Appointment.** The state board consists of 9 members and, beginning in the 2007-
10 2008 school year, 2 nonvoting student members, one junior and one senior in high school.
11 All members are appointed by the Governor. Four members must reside in the State's
12 First Congressional District at the time of appointment, 4 members must reside in the
13 State's Second Congressional District at the time of appointment and one member may
14 reside in either the First Congressional District or the Second Congressional District at
15 the time of appointment. One of the student members must reside in the State's First
16 Congressional District at the time of appointment and the other student member must
17 reside in the State's Second Congressional District at the time of appointment. Each
18 appointment is subject to review by the joint standing committee of the Legislature
19 having jurisdiction over education matters and to confirmation by the Senate.

20 **Sec. B-15. Effective date.** That section of this Part that repeals and replaces the
21 Maine Revised Statutes, Title 20-A, section 401, subsection 1 takes effect 90 days after
22 the adjournment of the First Regular Session of the 123rd Legislature.

23 **Sec. B-16. 20-A MRSA §15689, sub-§2, ¶A,** as enacted by PL 2003, c. 712,
24 §17, is amended to read:

25 A. A school administrative unit is eligible for this adjustment under the following
26 conditions.

27 (1) The school administrative unit's local share results in a full-value education
28 mill rate less than the local cost share expectation as described in section 15671-
29 A.

30 (2) The school administrative unit has debt service costs defined under section
31 ~~15603~~ 15672, subsection ~~8~~ 2-A that have been placed on the state board's priority
32 list by January 2005.

33 **Sec. B-17. 22 MRSA §1471-B, sub-§1,** as amended by PL 1991, c. 376, §45, is
34 further amended to read:

35 **1. Board established.** The Board of Pesticides Control is established by Title 5,
36 section 12004-D, subsection 3, within the Department of Agriculture, Food and Rural
37 Resources. Except as provided in this chapter, the board must be composed of 7
38 members, appointed by the Governor, subject to approval by the joint standing committee
39 of the Legislature having jurisdiction over agricultural matters and confirmation by the
40 ~~Legislature~~ Senate. To provide the knowledge and experience necessary for carrying out
41 the duties of the board, the board must consist of the following members: one person

1 with practical experience and knowledge regarding the agricultural use of chemicals; one
2 person who has practical experience and knowledge regarding the use of chemicals in
3 forest management; one person from the medical community; a scientist from the
4 University of Maine System specializing in agronomy or entomology having practical
5 experience and knowledge of integrated pest management; one commercial applicator;
6 and 2 persons appointed to represent the public. The 2 members appointed to represent
7 the public must have a demonstrated interest in environmental protection and represent
8 different geographic areas of the State. The term must be for 4 years, except that of the
9 initial appointees, 2 shall serve 4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-
10 year terms and one shall serve a one-year term. Any vacancy must be filled by an
11 appointment for the remainder of the unexpired term.

12 **Sec. B-18. 22 MRSA §8702, sub-§4**, as amended by PL 2007, c. 136, §1, is
13 further amended to read:

14 **4. Health care facility.** "Health care facility" means a public or private, proprietary
15 or not-for-profit entity or institution providing health services, including, but not limited
16 to, a radiological facility licensed under chapter 160, a health care facility licensed under
17 chapter 405 ~~or certified under chapter 405-A~~, an independent radiological service center,
18 a federally qualified health center certified by the United States Department of Health and
19 Human Services, Health Resources and Services Administration, a rural health clinic or
20 rehabilitation agency certified or otherwise approved by the Division of Licensing and
21 Regulatory Services within the Department of Health and Human Services, a home health
22 care provider licensed under chapter 419, an assisted living program or a residential care
23 facility licensed under chapter 1663, a hospice provider licensed under chapter 1681, a
24 retail store drug outlet licensed under Title 32, chapter 117, a state institution as defined
25 under Title 34-B, chapter 1 and a mental health facility licensed under Title 34-B, chapter
26 1.

27 **Sec. B-19. PL 2007, c. 88, §2** is repealed and the following enacted in its place:

28 **Sec. 2. 14 MRSA §4751**, as amended by PL 1985, c. 187, §5, is further amended
29 to read:

30 **§4751. Goods sold on execution**

31 All chattels, real and personal liable at common law to attachment and not exempted
32 therefrom by statute, may be taken and sold on execution as prescribed in this subchapter
33 and subchapter ~~IV~~ 4. Credits of a sole proprietorship doing business under an assumed or
34 trade name, partnership, limited liability company or corporation, other than payroll
35 accounts expressly so designated to the credit holder by the account owner, may be taken
36 on execution by an officer and turned over to the judgment creditor to be applied to the
37 judgment, together with interest and costs.

38 **Sec. B-20. PL 2007, c. 155, §1** is repealed and the following enacted in its place:

39 **Sec. 1. 30-A MRSA §4360, sub-§3, ¶B**, as amended by PL 2007, c. 77, §1, is
40 further amended to read:

41 B. The ordinance sets the number of building or development permits for new
42 residential dwellings, not including permits for affordable housing, at 105% or more
43 of the mean number of permits issued for new residential dwellings within the

1 municipality during the 10 years immediately prior to the year in which the number is
2 calculated. The mean is determined by adding together the total number of permits
3 issued, excluding permits issued for affordable housing, for new residential dwellings
4 for each year in the prior 10 years and then dividing by 10;

5 **Sec. B-21. Effective date.** That section of this Part that amends Public Law 2007,
6 chapter 155, section 1 takes effect 90 days after adjournment of the First Regular Session
7 of the 123rd Legislature.

8 **PART C**

9 **Sec. C-1. 4 MRSA c. 1, sub-c. 1-F** is repealed.

10 **Sec. C-2. 5 MRSA §1743, sub-§2**, as enacted by PL 2001, c. 271, §1, is amended
11 to read:

12 **2. Competitive bids.** A public improvement contract may be awarded under a
13 system of competitive bidding in accordance with this Part and such other conditions as
14 the Governor may prescribe. The competitive bidding process may be waived in
15 individual cases involving emergency circumstances with the written approval of the
16 director.

17 **Sec. C-3. 10 MRSA §8002, sub-§9**, as amended by PL 1999, c. 184, §13, is
18 further amended to read:

19 **9. Licensing.** Coordinate all administrative processes related to licensing functions
20 of bureaus, offices, boards and commissions within the department, including but not
21 limited to the frequency and form of applications and licenses; ~~and~~

22 **Sec. C-4. 10 MRSA §8002, sub-§10**, as amended by PL 1999, c. 687, Pt. C, §3,
23 is further amended to read:

24 **10. Confidentiality of shared information.** Keep confidential any information
25 provided by or to the commissioner that has been designated confidential by the agency,
26 bureau, board or commission within or affiliated with the department that furnished the
27 information and that is the property of the agency, bureau, board or commission that
28 furnished the information. Any information provided pursuant to this subsection may not
29 be disclosed by the recipient of the information unless disclosure has been authorized by
30 the agency, bureau, board or commission that furnished the information; and

31 **Sec. C-5. 10 MRSA §8002, sub-§11** is enacted to read:

32 **11. Report on fees.** By December 1st of each even-numbered year, conduct a
33 review of the fees assessed by the department and provide a written report to the State
34 Budget Officer and the joint standing committees of the Legislature having jurisdiction
35 over appropriations and financial affairs, insurance and financial services matters and
36 business, research and economic development matters identifying any fee changes the
37 commissioner recommends for the next biennium.

38 **Sec. C-6. 17-A MRSA §1058, sub-§2**, as amended by PL 2005, c. 527, §9, is
39 further amended to read:

40 **2.** This section does not apply to:

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- 1 A. A law enforcement officer, a corrections officer or a corrections supervisor
2 engaged in the performance of the law enforcement officer's, corrections officer's or
3 corrections supervisor's public duty; or
- 4 B. A person possessing an unloaded firearm for the purpose of offering the firearm
5 as evidence in a civil or criminal proceeding if the presiding judge or justice has
6 granted prior approval in writing to the person and the person possesses a copy of the
7 written approval; or
- 8 C. An employee of a courier or security service in the course and scope of
9 employment for the courier or security service, as approved by the state judicial
10 marshal.

11 **Sec. C-7. 20-A MRSA §7201, sub-§6**, as amended by PL 2005, c. 662, Pt. A,
12 §22, is further amended to read:

13 **6. Participation in cocurricular activities.** Eligibility for a child with a disability
14 to participate in cocurricular activities may not be denied solely because the student is
15 enrolled in a reduced course load when the reduced course load is due to the student's
16 disability, ~~only if~~ as long as the student is satisfactorily completing the requirements of
17 the educational components of an individualized family service plan or individualized
18 education program and is otherwise in compliance with the program. If the student is not
19 satisfactorily completing the educational components of an individualized family service
20 plan or individualized education program or is not otherwise in compliance with the
21 program, the student's eligibility may be determined in the same manner as the eligibility
22 of a child without disabilities who is not satisfying the applicable academic standards.

23 **Sec. C-8. 32 MRSA c. 1-A, sub-c. 3**, as enacted by PL 2007, c. 240, Pt. LLL,
24 §1, is repealed.

25 **PART D**

26 **Sec. D-1. 24-A MRSA §222, sub-§6**, as enacted by PL 1975, c. 356, §1, is
27 amended to read:

28 **6. Information as to tender offeror.** If the person required to file the statement
29 referred to in subsection ~~4~~ 4-A is a partnership, limited partnership, syndicate or other
30 group, the superintendent may require that the information called for by subsection ~~4~~
31 shall 4-A must be given with respect to each partner of such partnership or limited
32 partnership, each member of such syndicate or group and each person who controls such
33 partner or member. If the person required to file the statement referred to in subsection ~~4~~
34 4-A is a corporation, the superintendent may require that the information called for
35 thereby ~~shall~~ must be given with respect to such corporation and each officer and director
36 thereof and each person who is directly or indirectly the beneficial owner of more than
37 10% of the outstanding securities of such corporation.

38 **Sec. D-2. 24-A MRSA §222, sub-§7, ¶D**, as amended by PL 1983, c. 394, §2, is
39 further amended to read:

40 D. Violation

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1 (1) Failure to file the statement required under subsection ~~4~~ shall constitute 4-A
2 constitutes a violation of this chapter.

3 (2) Effectuation of or any attempt to effectuate an acquisition of, control of or
4 merger with a domestic insurer within 30 days of the filing of the statement
5 required by subsection ~~4~~ 4-A, prior to the superintendent's decision if a hearing
6 is held or after disapproval of such acquisition of control or merger by the
7 superintendent ~~shall constitute~~ constitutes a violation of this chapter.

8 **Sec. D-3. 24-A MRSA §222, sub-§14, ¶A**, as enacted by PL 1975, c. 356, §1, is
9 amended to read:

10 A. Any person who willfully violates any of the provisions of this section, or the
11 rules and regulations promulgated by the superintendent under authority thereof, or
12 any person who willfully, in a filing pursuant to subsection ~~4~~ 4-A or a registration
13 pursuant to subsection 8, paragraph B, makes any untrue statement of a material fact
14 or omits to state any material fact required to be stated therein or necessary to make
15 the statements therein not misleading, ~~shall~~ must upon conviction be fined not more
16 than \$1,000 or imprisoned not more than 3 years, or both;

17 **Sec. D-4. 24-A MRSA §707, sub-§1, ¶C-1**, as amended by PL 1991, c. 872, §2,
18 is further amended to read:

19 C-1. Employee benefit excess insurance. Insurance, protecting an employer against
20 higher than expected obligations under an employee benefit plan, at retention levels
21 that do not have the effect of making the plan an insured plan. Reinsurance provided
22 to employers that self-insure their workers' compensation exposures pursuant to Title
23 ~~39~~ 39-A, section ~~23~~ 403 does not constitute employee benefit excess insurance. The
24 transaction of employee benefit excess insurance does not constitute the conduct of
25 the business of reinsurance;

26 **Sec. D-5. 24-A MRSA §2008, sub-§5**, as amended by PL 1997, c. 592, §55, is
27 further amended to read:

28 5. Any producer with surplus lines authority who knowingly or negligently issues a
29 false certificate of insurance or who fails promptly to notify the insured of any material
30 change with respect to such insurance by delivery to the insured of a substitute certificate
31 as provided in subsection 3, upon conviction, is subject to the penalty provided by section
32 ~~12~~ 12-A or to any greater applicable penalty otherwise provided by law.

33 **Sec. D-6. 24-A MRSA §2302, sub-§2, ¶A**, as enacted by PL 1969, c. 132, §1, is
34 amended to read:

35 A. Reinsurance, except joint reinsurance as provided in section ~~2322~~ 2322-A;

36 **Sec. D-7. 24-A MRSA §4204, sub-§2-A, ¶D**, as amended by PL 2001, c. 72,
37 §19, is further amended to read:

38 D. The health maintenance organization is financially responsible, complies with the
39 minimum surplus requirements of ~~this~~ section 4204-A and, among other factors, can
40 reasonably be expected to meet its obligations to enrollees and prospective enrollees.

1 (1) In a determination of minimum surplus requirements, the following terms
2 have the following meanings.

3 (a) "Admitted assets" means assets recognized by the superintendent
4 pursuant to section 901-A. For purposes of this chapter, the asset value is
5 that contained in the annual statement of the corporation as of December 31st
6 of the year preceding the making of the investment or contained in any
7 audited financial report, as defined in section 221-A, of more current origin.

8 (b) "Reserves" means those reserves held by corporations subject to this
9 chapter for the protection of subscribers. For purposes of this chapter, the
10 reserve value is that contained in the annual statement of the corporation as
11 of December 31st of the preceding year or any audited financial report, as
12 defined in section 221-A, of more current origin.

13 (2) In making the determination whether the health maintenance organization is
14 financially responsible, the superintendent may also consider:

15 (a) The financial soundness of the health maintenance organization's
16 arrangements for health care services and the schedule of charges used;

17 (b) The adequacy of working capital;

18 (c) Any agreement with an insurer, a nonprofit hospital or medical service
19 corporation, a government or any other organization for insuring or providing
20 the payment of the cost of health care services or the provision for automatic
21 applicability of an alternative coverage in the event of discontinuance of the
22 plan;

23 (d) Any agreement with providers for the provision of health care services
24 that contains a covenant consistent with subsection 6; and

25 (e) Any arrangements for insurance coverage or an adequate plan for self-
26 insurance to respond to claims for injuries arising out of the furnishing of
27 health care services.'

28 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
29 section number to read consecutively.

30 SUMMARY

31 This amendment establishes the sections in the bill as Part A.

32 This amendment strikes from the bill sections 13, 29, 58, 59, 69, 76 and 79 because
33 the errors are addressed by other legislation.

34 Section 52 is amended to incorporate a recently enacted Public Law chapter.

35 Section 75 is amended to correct the application section for corrections to the income
36 tax statutes.

37 This amendment adds a Part B that makes technical corrections and does the
38 following.

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1 Part B, section 1 completes the correction of a conflict created when Public Law
2 1995, chapter 560 repealed the Maine Revised Statutes, Title 5, section 13069, regarding
3 the Maine State Film Commission, and Public Law 1995, chapter 688 amended section
4 13069, subsection 1, paragraph A. Public Law 1995, chapter 560 repealed the chapter
5 containing Title 5, section 13069 and reenacted the section as section 13080-T. That
6 section number conflicted with another chapter, so the Revisor's Report reallocated that
7 section to section 13090-H. At the same time, Public Law 1995, chapter 688, An Act To
8 Amend the Membership of Certain Boards and Commissions, amended Title 5, section
9 13069, subsection 2, paragraph A, subparagraph (2) to revise the membership of the
10 commission to include the Commissioner of Economic and Community Development's
11 designee as an alternate member for the commissioner. The same addition was made in
12 the statutes listing the membership of many commissions. Section 24 of the bill partially
13 corrects the conflict by repealing Title 5, section 13069 as repealed by Public Law 1995,
14 chapter 56 and amended by Public Law 1995, chapter 688. This section completes the
15 correction by adding the phrase "or the commissioner's designee" to the membership of
16 the Maine State Film Commission in section 13090-H.

17 Part B, section 2 corrects the numbers of voting and nonvoting members of the board
18 of trustees of the Maine Technology Institute.

19 Part B, sections 3 and 4 correct a conflict created by Public Law 2007, chapter 185
20 and chapter 273, each enacting a new Title 9-A, section 3-315 with substantively
21 different provisions. Public Law 2007, chapter 185 enacted Title 9-A, section 3-315 to
22 allow a purchaser or borrower to choose an accounting, tax or attest services provider,
23 with certain limitations, with regard to the extension of credit. Public Law 2007, chapter
24 273 enacted Title 9-A, section 3-315 to require creditors to comply with the federal Real
25 Estate Settlement Procedures Act. Part B, section 3 repeals and replaces Title 9-A,
26 section 3-315 with the chapter 185 version and Part B, section 4 enacts the chapter 273
27 version as a new section 3-316. The section that repeals and replaces Title 9-A, section
28 3-315 takes effect 90 days after adjournment of the First Regular Session of the 123rd
29 Legislature, as did Public Law 2007, chapter 185. The section that enacts Title 9-A,
30 section 3-316 takes effect January 1, 2008, as did the original enactment of Public Law
31 2007, chapter 273.

32 Legislative Document 1869 became Public Law 2007, chapter 273, An Act To
33 Protect Maine Homeowners from Predatory Lending. The original bill enacted Title 9-A,
34 section 8-103, subsection 1-A with a list of definitions, lettered A to EE. Committee
35 Amendment "A" inserted a new paragraph G, a new paragraph AA and a new paragraph
36 BB and relettered the paragraphs to read consecutively. In the bill, paragraph P, defining
37 "high-rate, high-fee mortgage," contained a cross-reference to the definition of
38 "threshold," defined in paragraph CC in the bill. Committee Amendment "A" relettered
39 paragraph P as paragraph Q, and what was paragraph CC is now paragraph FF. Part B,
40 section 6 amends paragraph Q to update the cross-reference to paragraph FF.

41 Part B, sections 7 and 8 correct a conflict created by Public Law 2007, chapter 185
42 and chapter 273, each of which enacted a new Title 9-A, section 9-311 with substantively
43 different provisions. Public Law 2007, chapter 185 enacted Title 9-A, section 9-311 to
44 allow a purchaser or borrower to choose an accounting, tax or attest services provider,
45 with certain limitations, with regard to the extension of credit. Public Law 2007, chapter
46 273 enacted Title 9-A, section 9-311 to require creditors to comply with the federal Real

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1 Estate Settlement Procedures Act. Part B, section 7 repeals and replaces Title 9-A,
2 section 9-311 with the chapter 185 version and Part B, section 8 enacts the chapter 273
3 version as a new section 9-311-A. The section that repeals and replaces Title 9-A,
4 section 9-311 takes effect 90 days after adjournment of the First Regular Session of the
5 123rd Legislature, as did Public Law 2007, chapter 185. The section that enacts Title
6 9-A, section 9-311-A takes effect January 1, 2008, as did the original enactment of Public
7 Law 2007, chapter 273.

8 Part B, section 11 resolves a conflict created by Public Law 2007, chapters 144 and
9 173. Both chapters amended Title 17-A, section 16, subsection 2. This section resolves
10 the conflict by repealing and replacing subsection 2 with the language from both chapters
11 incorporated. Part B, section 12 makes the correction effective 90 days after adjournment
12 of the First Regular Session of the 123rd Legislature, the effective date of chapter 173.
13 Chapter 144 was an emergency, taking effect May 18, 2007. That law will stay in effect
14 until 90 days after adjournment of the First Regular Session of the 123rd Legislature,
15 when this version will replace it.

16 Part B, section 13 corrects the title of "family law magistrate" in the membership of
17 the Family Law Advisory Commission.

18 Part B, section 14 corrects a conflict created by Public Law 2007, chapters 179 and
19 200. Public Law 2007, chapter 179 amends the membership of the State Board of
20 Education to require that at least 4 of the 9 members reside in the First Congressional
21 District and at least 4 reside in the Second Congressional District. Public Law 2007,
22 chapter 200 amends the membership of the State Board of Education to add 2 students to
23 the board as nonvoting members, beginning with the 2007-2008 school year. One of the
24 students must reside in the First Congressional District and the other must reside in the
25 Second Congressional District. Part B, section 14 repeals and replaces Title 20-A,
26 section 401, subsection 1, incorporating the language from both chapter 179 and 200.
27 Part B, section 15 provides an effective date of 90 days after adjournment of the First
28 Regular Session of the 123rd Legislature.

29 Part B, section 16 corrects a cross-reference. Title 20-A, chapter 606, the School
30 Finance Act of 1985, which included section 15603, was repealed July 1, 2005. The
31 Essential Programs and Services Funding Act was enacted in Public Law 2003, chapter
32 504. Title 20-A, section 15672 included all the definitions that had previously been in
33 section 15603. The substance of "debt service costs" from section 15603 was included in
34 the new section 15673.

35 Part B, section 17 amends the law governing the appointment and confirmation of
36 members of the Board of Pesticides Control to provide that the confirmation is by the
37 Senate, not the Legislature as a whole.

38 Part B, section 18 amends the definition of "health care facility" in the Maine Health
39 Data Organization statutes to delete a cross-reference to the Hospital and Health Care
40 Provider Cooperation Act. The purpose of the definition is to describe the jurisdiction of
41 the Maine Health Data Organization. The definition includes health care facilities that
42 are licensed under Title 22, chapter 405, Licensing of Hospitals and Institutions, or
43 certified under chapter 405-A, Hospitals and Health Care Provider Cooperation Act. The
44 purpose of chapter 405-A is to authorize agreements among hospitals and other health
45 care providers to facilitate cost containment, improve quality of care and increase access

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1 to health care services. A reference to certification under chapter 405-A is not helpful in
2 defining "health care facility" because a "certificate of public advantage" issued under
3 chapter 405-A means that the parties to the certificate, hospitals and other health care
4 providers, are authorized to cooperate in a way that would otherwise be in violation of
5 antitrust laws. Health care facilities that could be certified under chapter 405-A would
6 already be licensed under one of the other cross-references in the Maine Health Data
7 Organization definition of health care facility and being certified under chapter 405-A
8 would not add any facilities. The certification under chapter 405-A is not the same type
9 of regulatory oversight as licensing or registration.

10 Part B, section 19 inserts current statutory language inadvertently omitted from the
11 signed version of the chaptered law.

12 Part B, section 20 resolves a conflict created by Public Law 2007, chapters 77 and
13 155. Both chapters amended Title 30-A, section 4360, subsection 3, paragraph B. This
14 section resolves the conflict by amending the version enacted under an emergency by
15 chapter 77 by including the language from chapter 155.

16 Part B, section 21 clarifies that the effective date of Part B, section 20 is 90 days after
17 adjournment of the First Regular Session of the 123rd Legislature.

18 This amendment adds a Part C that does the following and contains provisions that
19 are or may be considered substantive.

20 Part C, section 1 repeals the subchapter that established the Court Unification
21 Oversight Committee, because the committee has completed its work.

22 Part C, section 2 includes an amendment to allow the Director of the Bureau of
23 General Services within the Department of Administrative and Financial Services to
24 waive the competitive bidding process in emergency circumstances. The same changes
25 were made in Public Law 2007, chapter 9, which was not an emergency measure. Part C,
26 section 2 amends Title 5, section 1743, subsection 2 to allow the Director of the Bureau
27 of General Services in the Department of Administrative and Financial Services to waive
28 the competitive bidding process in emergency circumstances.

29 Public Law 2007, chapter 240, Part LLL directs the Commissioner of Professional
30 and Financial Regulation to annually conduct a survey of all the fees collected by the
31 Department of Professional and Financial Regulation and provide a written report
32 identifying any recommended fee changes to the State Budget Officer and 3 joint
33 standing committees of the Legislature. The language was placed in Title 32, which
34 includes laws regulating professions and occupations, but not the other duties of the
35 department. Part C, section 8 repeals the Title 32 provision enacted in Public Law 2007,
36 chapter 240, Part LLL. Part C, section 5 enacts the language in Title 10 in the chapter
37 that provides for the organization of the department and the duties of the commissioner.

38 Part C, section 6 includes an exception from the prohibition of firearms in courthouse
39 for a courier or security service approved by the state judicial marshal.

40 Part C, section 7 clarifies that compliance and satisfactory participation in a plan or
41 program are contemporaneous requirements for participation in cocurricular activities for
42 a child with a disability.

43 Part D contains technical cross-reference corrections in the Maine Insurance Code.