

MAINE STATE LEGISLATURE

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Date: 4/17/08

L.D. 2252
(Filing No. H-1036)

JUDICIARY

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

COMMITTEE AMENDMENT "A" to H.P. 1615, L.D. 2252, Bill, "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill in Part A by striking out sections 10, 16, 22 and 28.

Amend the bill in Part A by striking out all of sections 33 and 34 and inserting the following:

Sec. A-33. 24-A MRSA §2847-M, as enacted by PL 2007, c. 452, §3, is reallocated to 24-A MRSA §2847-O.

Sec. A-34. 24-A MRSA §4253, as enacted by PL 2007, c. 452, §4, is reallocated to 24-A MRSA §4255.'

Amend the bill in Part A by striking out all of sections 36, 38, 49, 52, 53, 54, 56 and 59.

Amend the bill by inserting after Part B the following:

PART C

Sec. C-1. 1 MRSA §409, sub-§2, as enacted by PL 1975, c. 758, is amended to read:

2. Actions. If any body or agency approves any ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action in an executive session, this action ~~shall be~~ is illegal and the officials ~~responsible shall be~~ responsible are subject to the penalties hereinafter provided. Upon learning of any such action, any person may appeal to any Superior Court in the State. If a court, after a trial de novo, determines this action was taken illegally in an executive session, it shall enter an order providing for the action to be null and void. Appeals ~~shall be~~ are privileged in respect to their assignment for trial over all other actions except writs of habeas corpus or actions brought by the State against individuals.

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COMMITTEE AMENDMENT "A" to H.P. 1615, L.D. 2252

1 **Sec. C-2. 12 MRSA §6071, sub-§1**, as amended by PL 1999, c. 401, Pt. BB, §3,
2 is further amended to read:

3 **1. Live importing for introduction into coastal waters.** Except for Atlantic
4 salmon imported by the Atlantic Salmon Commission under Part ~~42~~ 9, it is unlawful to
5 import for introduction, possess for purposes of introduction or introduce into coastal
6 waters a live marine organism without a permit issued by the commissioner pursuant to
7 subsection 2.

8 **Sec. C-3. 12 MRSA §12456, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2
9 and affected by c. 614, §9, is amended to read:

10 **1. Open seasons.** Except as provided in subsection 2 and ~~Part 12~~ section 6140-A,
11 subsection 4 and except as the commissioner may by rule provide, the following are the
12 open seasons for fishing in the State. All opening and closing dates are inclusive.

13 A. The open season for all fish in waters or portions of waters naturally free of ice in
14 lakes and ponds is from April 1st to September 30th.

15 B. The open season for all fish in the rivers above tidewater in waters free of ice is
16 from April 1st to September 15th.

17 C. The open season for all fish in brooks and streams in waters free of ice is from
18 April 1st to August 15th.

19 D. The open-water fishing season on boundary waters between Maine and New
20 Brunswick is from April 15th to September 30th.

21 **Sec. C-4. 19-A MRSA §701, sub-§4**, as enacted by PL 1995, c. 694, Pt. B, §2
22 and affected by Pt. E, §2, is repealed and the following enacted in its place:

23 **4. Polygamy.** A marriage contracted while either party has a living wife or husband
24 from whom the party is not divorced is void.

25 **Sec. C-5. 21-A MRSA §196, sub-§2**, as amended by PL 2007, c. 397, §2 and c.
26 455, §11, is repealed and the following enacted in its place:

27 **2. Voter lists or reports identifying voters.** A person may purchase a list or report
28 of voter information containing some or all of the information from the central voter
29 registration system by making a request to the Secretary of State or to a municipal
30 registrar if the information requested concerns voters in that municipality. The Secretary
31 of State or the municipal registrar shall make available the following information, subject
32 to the fees set forth in subsection 4 and the restrictions on use and redistribution of data
33 set forth in subsection 7: the voter's name, residence address, mailing address, date of
34 birth, enrollment status, electoral district, voter status, the date of registration or the date
35 of change of the voter record if applicable, voter participation in previous elections
36 including whether the voter cast a challenged or absentee ballot, voter record number and
37 any special designations indicating uniformed service voters, overseas voters or township
38 voters. In addition, municipal clerks or registrars shall make available upon request the
39 list of persons who requested or were furnished absentee ballots created and maintained
40 pursuant to section 753-B subject to the fees set forth in subsection 4 for printed lists and
41 free of charge for electronic lists.

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1 **Sec. C-6. 22 MRSA §1711-E, sub-§1, ¶F-2**, as enacted by PL 2007, c. 460, §1,
2 is amended to read:

3 F-2. "Pharmacy" means a mail order prescription pharmacy as defined in Title 32,
4 section ~~13702~~ 13702-A, subsection ~~13~~ 17 or a ~~drug-outlet~~ pharmacy as defined in
5 Title 32, section ~~13702~~ 13702-A, subsection ~~10~~ 24.

6 **Sec. C-7. 22 MRSA §1711-E, sub-§1, ¶H**, as enacted by PL 2005, c. 589, §1, is
7 amended to read:

8 H. "Prescription drug information" means information concerning prescription drugs
9 as defined in Title 32, section ~~13702~~ 13702-A, subsection ~~24~~ 30 and includes
10 prescription drug orders as defined in Title 32, section ~~13702~~ 13702-A, subsection ~~25~~
11 31.

12 **Sec. C-8. 22 MRSA §2685, sub-§2, ¶D**, as enacted by PL 2007, c. 327, §1, is
13 amended to read:

14 D. "Dispenser" means a licensed mail order prescription pharmacy as defined in Title
15 32, section ~~13702~~ 13702-A, subsection ~~13~~ 17; a licensed ~~drug-outlet~~ pharmacy as
16 defined in Title 32, section ~~13702~~ 13702-A, subsection ~~10~~ 24; and any other person
17 or entity licensed to dispense prescription drugs under Title 32, chapter 117.

18 **Sec. C-9. 22 MRSA §3174-G, sub-§1, ¶B**, as amended by PL 2003, c. 469, Pt.
19 A, §5 and c. 673, Pt. Y, §1 and affected by §3, is repealed and the following enacted in its
20 place:

21 B. An infant under one year of age when the infant's family income is equal to or
22 below 200% of the nonfarm income official poverty line, except that the department
23 may adopt a rule that provides that infants in families with income over 185% and
24 equal to or below 200% of the nonfarm income official poverty line who meet the
25 eligibility requirements of the Cub Care program established under section 3174-T
26 are eligible to participate in the Cub Care program instead of Medicaid. Rules
27 adopted pursuant to this paragraph are routine technical rules as defined in Title 5,
28 chapter 375, subchapter 2-A;

29 **Sec. C-10. 22 MRSA §3174-G, sub-§1, ¶D**, as amended by PL 2003, c. 469, Pt.
30 A, §5 and c. 673, Pt. Y, §2 and affected by §3, is repealed and the following enacted in its
31 place:

32 D. A child one year of age or older and under 19 years of age when the child's family
33 income is equal to or below 200% of the nonfarm income official poverty line, except
34 that the department may adopt a rule that provides that children described in this
35 paragraph in families with income over 150% and equal to or below 200% of the
36 nonfarm income official poverty line who meet the eligibility requirements of the
37 Cub Care program established under section 3174-T are eligible to participate in the
38 Cub Care program instead of Medicaid. Rules adopted pursuant to this paragraph are
39 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

40 **Sec. C-11. 24 MRSA §2317-B, sub-§12-B**, as enacted by PL 2007, c. 452, §1, is
41 amended to read:

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1 **12-B. Title 24-A, sections 2762, 2847-O and 4255.** Coverage for hearing aids, Title
2 24-A, sections 2762, ~~2847-M~~ 2847-O and ~~4253~~ 4255;

3 **Sec. C-12. 24 MRSA §2317-B, sub-§12-C,** as enacted by PL 2007, c. 595, §1
4 and affected by §5, is repealed.

5 **Sec. C-13. 24 MRSA §2317-B, sub-§12-D,** is enacted to read:

6 **12-D. Title 24-A, sections 2763, 2847-P and 4256.** Coverage for medically
7 necessary infant formula, Title 24-A, sections 2763, 2847-P and 4256;

8 **Sec. C-14. 24-A MRSA §10, sub-§6,** as amended by PL 2007, c. 539, Pt. N, §55,
9 is further amended to read:

10 **6.** The government contracting activities of a health care servicing entity, as defined
11 in Title 22-A, section 207, subsection + 7, contracting, whether directly or as a
12 subcontractor, with the Department of Health and Human Services, unless otherwise
13 expressly provided by this Title. This Title may apply to any other insurance or managed
14 care activities of a health care servicing entity.

15 **Sec. C-15. 24-A MRSA §2847-N,** as enacted by PL 2007, c. 595, §3 and affected
16 by §5, is reallocated to 24-A MRSA §2847-P.

17 **Sec. C-16. 24-A MRSA §4254,** as enacted by PL 2007, c. 595, §4 and affected by
18 §5, is reallocated to 24-A MRSA §4256.

19 **Sec. C-17. 26 MRSA §1028, sub-§2,** as amended by PL 1993, c. 90, §6, is
20 further amended to read:

21 **2. Review of representation proceedings.** Any person aggrieved by any ruling or
22 determination of the executive director under sections +~~024~~ 1024-A and 1025 may
23 appeal, within 15 days of the announcement of the ruling or determination, except that in
24 the instance of objections to the conduct of an election or challenged ballots the time
25 period is 5 working days, to the Maine Labor Relations Board. Upon receipt of such an
26 appeal, the board shall within a reasonable time, hold a hearing, having first caused 7
27 days' notice, in writing, of the time and place of the hearings to be given to the aggrieved
28 party, the labor organizations or bargaining agent and the public employer. The hearings
29 and the procedures established in furtherance thereof must be in accordance with section
30 968. Decisions of the board made pursuant to this subsection are subject to review by the
31 Superior Court under the Maine Rules of Civil Procedure, Rule 80C, in accordance with
32 the standards specified in section 972, if the complaint is filed within 15 days of the date
33 of issuance of the decision. The complaint must be served upon the board and all parties
34 to the board proceeding by certified mail, return receipt requested.

35 **Sec. C-18. 32 MRSA §12274, sub-§2,** as enacted by PL 1987, c. 489, §2, is
36 amended to read:

37 **2. Review.** The board may review the publicly available professional work of
38 licensees on a general and random basis, without any requirement of a formal complaint
39 or suspicion of impropriety on the part of any particular licensee. If, as a result of such
40 review, the board discovers reasonable grounds for a more specific investigation, the
41 board may proceed under ~~subsection 1~~ Title 10, section 8003-A, subsection 2.

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PART D

Sec. D-1. 34-B MRSA §1216, sub-§4, as repealed and replaced by PL 2007, c. 356, §6 and affected by §31, is amended to read:

4. Repeal. This section is repealed ~~on the later of:~~ 120 days after the establishment of the Maine Developmental Services Oversight and Advisory Board.

~~A. Forty five days after the United States District Court releases the State from all obligations under the community consent decree, Consumer Advisory Board et al. v. Glover, No. 91-321-P-C (D. Me., September 28, 1994); and~~

~~B. January 1, 2009.~~

Sec. D-2. PL 2007, c. 356, §30, sub-§1 is amended to read:

1. Correspondent program. The Maine Developmental Services Oversight and Advisory Board, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 61-A and referred to in this section as "the board," shall work with the Department of Health and Human Services to improve and promote the correspondent program operated by the Consumer Advisory Board established pursuant to Title 34-B, section 1216. ~~No later than January 1, 2009~~ One hundred and twenty days after the establishment, the board shall present a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, together with a proposed plan that provides for the independent operation of the correspondent program with oversight by the board. After receipt and review of the report, the joint standing committee may submit a bill to the 124th Legislature.

Sec. D-3. PL 2007, c. 356, §31 is amended to read:

Sec. 31. Effective dates. This Act takes effect November 1, 2007, except that the following sections take effect ~~upon elimination of the Consumer Advisory Board pursuant to the Maine Revised Statutes, Title 34-B, section 1216, subsection 4~~ on the later of January 1, 2009 and 45 days after the United States District Court releases the State from all obligations under the community consent decree, Consumer Advisory Board et al. v. Glover, No. 91-321-P-C (D. Me., September 28, 1994):

1. ~~Those sections~~ That section of this Act that ~~repeal Title 3, section 959, subsection 1, paragraph F, and repeals~~ Title 5, section 12004-I, subsection 61;

2. ~~That section~~ Those sections of this Act that ~~amends~~ amend Title 3, section 959, subsection 1, paragraph F and Title 34-B, section 5605, subsection 13, paragraph B; and

3. Those sections of this Act that enact Title 5, section 12004-J, subsection 15 and Title 34-B, section 1223.

PART E

Sec. E-1. 28-A MRSA §1504, sub-§3-A is enacted to read:

3-A. Partial-bottle distilled spirits samples. Samples must be decanted from the distilled spirits product bottle and provided to licensees licensed for on-premises consumption. The agent providing the sample shall maintain a log stating the names of

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1 the licensees who sampled the product and the amount sampled. Partial-bottle samples
2 must be properly sealed between tastings.

3 **PART F**

4 **Sec. F-1. PL 2007, c. 539, Pt. A, §43** is amended to read:

5 **Sec. A-43. Appropriations and allocations.** The following appropriations and
6 allocations are made.

7 **PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

8 **Administrative Services - Professional and Financial Regulation 0094**

9 Initiative: Eliminates the headcount, salary and related costs associated with the
10 Commissioner Department of Professional and Financial Regulation position in the
11 Administrative Services Division ~~and eliminates one Administrator Office of Securities~~
12 ~~position in the Office of Securities.~~

13	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
14	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
15	Personal Services	\$0	(\$109,168)
16	All Other	\$0	(\$892)
17			
18	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$110,060)

19 **Office of Securities 0943**

20 Initiative: Eliminates the headcount, salary and related costs associated with an Assistant
21 Securities Administrator, Public Services Manager II position within the Office of
22 Securities.

23	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
24	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
25	Personal Services	\$0	(\$100,815)
26	All Other	\$0	(\$1,992)
27			
28	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$102,807)

29 **PROFESSIONAL AND FINANCIAL**
30 **REGULATION, DEPARTMENT OF**
31 **DEPARTMENT TOTALS**

32		2007-08	2008-09
33	OTHER SPECIAL REVENUE FUNDS	\$0	(\$212,867)

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DEPARTMENT TOTAL - ALL FUNDS \$0 (\$212,867)

PART G

Sec. G-1. 20-A MRSA §1486, sub-§3, ¶F, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

F. If the school budget does not exceed the maximum state and local spending target pursuant to section 15671-A, subsection 5, the article to be voted on must be in the following form:

(1) "Do you favor approving the (name of regional school unit) budget for the upcoming school year that was adopted at the latest regional (name of school unit) budget meeting?"

Yes No"

Sec. G-2. 20-A MRSA §1486, sub-§3, ¶G, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

G. If the school budget exceeds the maximum state and local spending target pursuant to section 15671-A, subsection 5, the article to be voted on for a budget that includes locally raised funds over and above the regional school unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act must be in the following form:

(1) "Do you favor approving the (name of regional school unit) budget for the upcoming school year that was adopted at the latest regional (name of school unit) budget meeting and that includes locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?"

Yes No

A YES vote allows additional funds to be raised for K-12 public education.

A NO vote means additional funds cannot be raised for K-12 public education."

PART H

Sec. H-1. PL 2007, c. 539, Pt. F, §2 is repealed and the following enacted in its place:

Sec. F-2. Commissioner of Health and Human Services; fees. The Commissioner of Health and Human Services shall adopt rules to increase the fees assessed under the Maine Revised Statutes, Title 22, section 2494 effective July 1, 2008. The fees must be calculated to produce revenue for the special revenue account established under that section in an amount sufficient to meet the expenditures from the account for the licensure and inspection responsibilities under that section of the

COMMITTEE AMENDMENT

COFS.

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1 Department of Health and Human Services, Maine Center for Disease Control and
2 Prevention. Rules adopted pursuant to this section are routine technical rules as defined
3 in Title 5, chapter 375, subchapter 2-A.

4 **Sec. H-2. PL 2007, c. 539, Pt. F, §5** is amended to read:

5 **Sec. F-5. Resolving overlapping jurisdiction.** If an establishment has
6 operations that may fall under the jurisdiction of both the Department of Health and
7 Human Services, Maine Center for Disease Control and Prevention and the Department
8 of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation,
9 the Department of Agriculture, Food and Rural Resources has jurisdiction over all
10 operations of the establishment unless sales of food for consumption on the premises or
11 ready-to-eat for off-premises consumption, measured by annual dollar receipts, exceeds
12 50% of total annual food-related dollar receipts, in which case the Maine Center for
13 Disease Control and Prevention has jurisdiction over the establishment. The field staff of
14 the respective departments shall meet on a regular basis to resolve jurisdictional questions
15 and issues.

16 **PART I**

17 **Sec. I-1. 12 MRSA §6701, sub-§7,** as enacted by PL 2007, c. 557, §1, is
18 repealed.

19 **Sec. I-2. 12 MRSA §6702, sub-§7,** as enacted by PL 2007, c. 557, §2, is
20 repealed.

21 **Sec. I-3. 12 MRSA §6703, sub-§6,** as enacted by PL 2007, c. 557, §3, is
22 repealed.

23 **Sec. I-4. 12 MRSA §6721-A, sub-§5,** as amended by PL 2007, c. 607, Pt. A, §6
24 and Pt. B, §4, is repealed and the following enacted in its place:

25 **5. Violation.** Notwithstanding section 6174, subsection 3, a person who violates this
26 section commits a civil violation for which the following penalties apply:

27 A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on
28 board may be seized;

29 B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on
30 board may be seized; and

31 C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all
32 scallops on board may be seized. This penalty is imposed in addition to the penalty
33 imposed under section 6728-B.

34 **Sec. I-5. 12 MRSA §6721-A, sub-§6,** as amended by PL 2007, c. 557, §4, is
35 repealed.

36 **Sec. I-6. 12 MRSA §6722,** as repealed and replaced by PL 2007, c. 557, §5 and c.
37 607, Pt. B, §5, is repealed and the following enacted in its place:

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§6722. Scallop season

1. Scallop fishing season. Unless modified by rules adopted under section 6171-A, a person may not fish for or take scallops in the territorial waters from April 16th to November 30th, both days inclusive.

2. Violations. Notwithstanding section 6174, subsection 3, a person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and

C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B.

Sec. I-7. 12 MRSA §6725, as repealed and replaced by PL 2007, c. 557, §6 and c. 607, Pt. B, §7, is repealed and the following enacted in its place:

§6725. Possession of illegal scallops

1. Prohibition. A person may not possess, ship, transport, buy or sell scallops taken in violation of this subchapter.

2. Violations. Notwithstanding section 6174, subsection 3, a person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and

C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B.

Sec. I-8. 12 MRSA §6726, sub-§4, as enacted by PL 2007, c. 557, §7, is amended to read:

4. Violations. Notwithstanding section 6174, subsection 3, a person who violates this section in ~~Cobseok Bay~~ commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and

C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B.

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COMMITTEE AMENDMENT "A" to H.P. 1615, L.D. 2252

1 Sec. I-9. 12 MRSA §6728-B, as enacted by PL 2007, c. 557, §10 and c. 607, Pt.
2 B, §8, is repealed and the following enacted in its place:

3 §6728-B. Habitual violations

4 The commissioner shall suspend the handfishing scallop license or other license
5 issued under this Part authorizing the taking of scallops of any license holder adjudicated
6 or convicted in court of a 3rd or subsequent violation of this subchapter. The suspension
7 must be for at least one year from the date of conviction and may be for up to 3 years.'

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

10 SUMMARY

11 This amendment deletes several sections from Part A of the bill because the
12 corrections are made in other bills or to avoid further conflicts.

13 This amendment updates a cross-reference in Part A in the Maine Revised Statutes,
14 Title 17-A, section 16.

15 This amendment adds Parts C, D, E, F, G, H and I.

16 Part C consists of technical amendments.

17 1. Section 1 corrects a spelling error and grammar in the freedom of access laws.

18 2. Sections 2 and 3 correct cross-references relating to the Atlantic Salmon
19 Commission.

20 3. Section 4 clarifies the laws prohibiting polygamy.

21 4. Section 5 corrects a conflict in the laws concerning voting lists created by Public
22 Law 2007, chapters 397 and 455, which affected the same provision of law, by
23 incorporating the changes made by both laws.

24 5. Sections 6 to 8 correct cross-references to definitions in the pharmacy laws.

25 6. Sections 9 and 10 correct a conflict concerning benefit eligibility created by Public
26 Law 2003, chapters 469 and 673, which affected the same provisions of law, by
27 incorporating the changes made by both laws.

28 7. Section 14 corrects a cross-reference to the definition of "health care servicing
29 entity" within the Maine Insurance Code.

30 8. Sections 11, 12, 13, 15 and 16 correct conflicts created by the enactment of new
31 mandated benefits concerning hearing aids, colorectal cancer screening and medically
32 required infant formula.

33 9. Section 17 corrects a cross-reference in the University of Maine System Labor
34 Relations Act.

35 10. Section 18 updates a reference to the investigative authority of the Board of
36 Accountancy, as the authority was reallocated by Public Law 2007, chapter 402, Part Z,
37 section 21 to Title 10.

COMMITTEE AMENDMENT

OF S.

COMMITTEE AMENDMENT "A" to H.P. 1615, L.D. 2252

1 Part D addresses timing issues concerning the repeal of the Consumer Advisory
2 Board and the Maine Advisory Committee on Mental Retardation and the effective date
3 of the new Maine Developmental Services Oversight and Advisory Board.

4 Public Law 2007, chapter 356 was enacted to set up procedures and standards to
5 come into effect when the State is released by the U.S. District Court from the
6 community consent decree. These procedures include the repeal of the Consumer
7 Advisory Board and the establishment of the Maine Developmental Services Oversight
8 and Advisory Board, or "MDSOAC."

9 1. The Maine Revised Statutes, Title 34-B, section 1216, subsection 4, which was
10 enacted in Public Law 2007, chapter 356, repeals the Consumer Advisory Board 45 days
11 after the Court releases the State or January 1, 2009, whichever is later. Part D changes
12 the repeal date to 120 days after the MDSOAC is established.

13 2. Public Law 2007, chapter 356, section 31 provides an effective date for the
14 sections that repeal the Maine Advisory Committee on Mental Retardation, establish the
15 MDSOAC, and correct cross-references to the Maine Advisory Committee on Mental
16 Retardation and MDSOAC in Title 34-B, section 5605, subsection 13, paragraph B. The
17 effective date in the law is the date of the repeal of the Consumer Advisory Board. Part
18 D severs the connection to the repeal of the Consumer Advisory Board. It sets a new date
19 of 45 days after the Court releases the State or January 1, 2009, whichever is later.

20 3. Public Law 2007, chapter 356, section 31, subsection 1, entitled "Effective dates,"
21 provides an effective date for "those sections of this Act that repeal Title 3, section 959,
22 subsection 1, paragraph F and" This is a reference in the Government Evaluation Act
23 to review by the Health and Human Services Committee of the Maine Advisory
24 Committee on Mental Retardation, which is repealed in section 4 of chapter 356.
25 However, section 959, subsection 1, paragraph F was amended, not repealed. Part D
26 corrects the language, and groups together the amended sections in listing the effective
27 dates.

28 4. Public Law 2007, chapter 356, section 30 requires a report from MDSOAC to the
29 Joint Standing Committee on Health and Human Services on the correspondent program
30 by January 1, 2009. Part D changes the report date to 120 days after the establishment of
31 the MDSOAC.

32 Part E amends Title 28-A, section 1504 to include a new subsection 3-A concerning
33 partial-bottle distilled spirits samples, consistent with the law governing sampling for
34 those licensed as small breweries, farm wineries or wholesalers.

35 Part F corrects three positions changes that were incorrectly identified in Public Law
36 2007, chapter 539 related to the Department of Health and Human Services and the
37 Department of Inland Fisheries and Wildlife. It also corrects an erroneous cross-
38 reference made in an initiative involving the Department of Professional and Financial
39 Regulation to another initiative within the same department.

40 Part G amends the ballot language for school unit budgets to clarify that the same
41 wording can be used for all budget votes, including elections involving school units that
42 consist of a municipality.

COMMITTEE AMENDMENT

R.O.F.S.

COMMITTEE AMENDMENT "A" to H.P. 1615, L.D. 2252

1 Part H repeals and replaces Public Law 2007, chapter 539, Part F, section 2 to
2 authorize the Commissioner of Health and Human Services to adopt rules to increase fees
3 assessed under Title 22, section 2494 applying to eating establishments, eating and
4 lodging places, lodging places, recreational camps or camping areas. Part H also amends
5 Public Law 2007, chapter 539, Part F, section 5 concerning the formula related to the
6 jurisdiction of the Department of Health and Human Services and the Department of
7 Agriculture, Food and Rural Resources to provide that the Department of Agriculture has
8 jurisdiction over operations of establishments unless sales of food for consumption on the
9 premises or ready-to-eat for off-premises consumption, measured by annual dollar
10 receipts, exceeds 50% of the total annual food-related dollar receipts.

11 Part I makes changes to resolve conflicts in the law regarding the penalties for scallop
12 fishing violations created by Public Law 2007, chapters 557 and 607. Public Law 2007,
13 chapter 557 increased penalties for violations of scalloping fishing laws in Cobscook Bay
14 and Public Law 2007, chapter 607 made those same penalties apply to scallop fishing
15 violations on a statewide basis. This amendment resolves the conflicts by making the
16 penalties apply statewide including Cobscook Bay.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 2252

LR 3429(02)

An Act To Correct Errors and Inconsistencies in the Laws of Maine

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

No net cost impact

Minor revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

This legislation will have no effect on either total positions or any costs or savings. Part H may result in an increase in Other Special Revenue Fund revenue in the Department of Health and Human Services.