

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2252

H.P. 1615

House of Representatives, March 10, 2008

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

(EMERGENCY)

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Reported by Representative SIMPSON of Auburn for the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 94.

Reference to the Committee on Judiciary suggested and ordered printed under Joint Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

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

**Whereas**, acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

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

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

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

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

## PART A

**Sec. A-1. 1 MRSA §150**, as enacted by PL 2007, c. 28, §1, is reallocated to 1 MRSA §150-B.

**Sec. A-2. 1 MRSA §353**, as amended by PL 2005, c. 316, §1, is further amended to read:

### **§353. Explanation of proposed amendments and statewide referenda**

With the assistance of the Secretary of State, the Attorney General shall prepare a brief explanatory statement that must fairly describe the intent and content and what a "yes" vote favors and a "no" vote opposes for each constitutional resolution or statewide referendum that may be presented to the people and that must include any information prepared by the Treasurer of State under Title 5, section 152. The explanatory statement may not include comments of proponents or opponents as provided by section 354. In addition to the explanatory statement, beginning with the November 2006 election the Office of Fiscal and Program Review shall prepare an estimate of the fiscal impact of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations within 30 days after the adjournment of the legislative session immediately prior to the statewide election when the constitutional resolution or referendum will appear on the ballot. The fiscal impact estimate must summarize the aggregate impact that the constitutional resolution or referendum will have on the General Fund, the Highway Fund, Other Special Revenue Funds and the amounts distributed by the ~~states~~ State to local units of government. The Secretary of State shall publish the explanatory statement and the fiscal estimate in each daily newspaper of the State, not more than 10 and not less than 7 days prior to the voting. This information may be published in the English language in a foreign language newspaper.

1       **Sec. A-3. 1 MRSA §535, sub-§3, ¶A**, as amended by PL 2003, c. 681, §1, is  
2 further amended to read:

3       A. Negotiate and enter into contracts for professional consulting, research and other  
4 services; and

5       **Sec. A-4. 1 MRSA §535, sub-§3, ¶B**, as amended by PL 2003, c. 681, §1, is  
6 further amended to read:

7       B. To the extent permitted by the service level agreement between the network  
8 manager and the data custodian, have access to confidential information if it is  
9 necessary to carry out the duties of the network manager or the purposes of InforME.  
10 The network manager is subject to the same limitations and penalties as a data  
11 custodian concerning the use and disclosure of confidential information; and

12       **Sec. A-5. 2 MRSA §6, sub-§4**, as amended by PL 2007, c. 240, Pt. HH, §1 and c.  
13 273, Pt. B, §2 and affected by §7, is repealed and the following enacted in its place:

14       **4. Range 88.** The salaries of the following state officials and employees are within  
15 salary range 88:

16       Director, Bureau of Air Quality;

17       Director, Bureau of Land and Water Quality;

18       Director, Bureau of Remediation and Waste Management;

19       Deputy Commissioner, Environmental Protection;

20       Director, Office of Licensing and Registration;

21       Administrator, Office of Securities; and

22       Deputy Chief of the State Police.

23       **Sec. A-6. 3 MRSA §959, sub-§1, ¶I**, as amended by PL 2003, c. 600, §1, is  
24 further amended to read:

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

27               (1) Maine State Public Employees Retirement System in 2005 2013;

28               (2) Department of Labor in 2007;

29               (3) Maine Labor Relations Board in 2009; and

30               (4) Workers' Compensation Board in 2009.

31       **Sec. A-7. 5 MRSA §4613, sub-§2, ¶B**, as amended by PL 2007, c. 243, §8 and c.  
32 457, §1, is repealed and the following enacted in its place:

33       B. If the court finds that unlawful discrimination occurred, its judgment must  
34 specify an appropriate remedy or remedies for that discrimination. The remedies may  
35 include, but are not limited to:

- 1       (1) An order to cease and desist from the unlawful practices specified in the  
2       order;
- 3       (2) An order to employ or reinstate a victim of unlawful employment  
4       discrimination, with or without back pay;
- 5       (3) An order to accept or reinstate such a person in a union;
- 6       (4) An order to rent or sell a specified housing accommodation, or one  
7       substantially identical to that accommodation if controlled by the respondent, to a  
8       victim of unlawful housing discrimination;
- 9       (5) An order requiring the disclosure of the locations and descriptions of all  
10       housing accommodations that the violator has the right to sell, rent, lease or  
11       manage and forbidding the sale, rental or lease of those housing accommodations  
12       until the violator has given security to ensure compliance with any order entered  
13       against the violator and with all provisions of this Act. An order may continue  
14       the court's jurisdiction until the violator has demonstrated compliance and may  
15       defer decision on some or all relief until after a probationary period and a further  
16       hearing on the violator's conduct during that period;
- 17       (6) An order to pay the victim, in cases of unlawful price discrimination, 3 times  
18       the amount of any excessive price demanded and paid by reason of that unlawful  
19       discrimination;
- 20       (7) An order to pay to the victim of unlawful discrimination, other than  
21       employment discrimination in the case of a respondent who has more than 14  
22       employees, or, if the commission brings action on behalf of the victim, an order  
23       to pay to the victim, the commission or both, civil penal damages not in excess of  
24       \$20,000 in the case of the first order under this Act against the respondent, not in  
25       excess of \$50,000 in the case of a 2nd order against the respondent arising under  
26       the same subchapter of this Act and not in excess of \$100,000 in the case of a 3rd  
27       or subsequent order against the respondent arising under the same subchapter of  
28       this Act, except that the total amount of civil penal damages awarded in any  
29       action filed under this Act may not exceed the limits contained in this  
30       subparagraph;
- 31       (8) In cases of intentional employment discrimination with respondents who  
32       have more than 14 employees, compensatory and punitive damages as provided  
33       in this subparagraph.
- 34               (a) In an action brought by a complaining party under section 4612 and this  
35               section against a respondent who engaged in unlawful intentional  
36               discrimination prohibited under sections 4571 to 4575, if the complaining  
37               party can not recover under 42 United States Code, Section 1981 (1994), the  
38               complaining party may recover compensatory and punitive damages as  
39               allowed in this subparagraph in addition to any relief authorized elsewhere in  
40               this subsection from the respondent.
- 41               (b) When a discriminatory practice involves the provision of a reasonable  
42               accommodation, damages may not be awarded under this subparagraph when  
43               the covered entity demonstrates good faith efforts, in consultation with the

1 person with the disability who has informed the covered entity that  
2 accommodation is needed, to identify and make a reasonable accommodation  
3 that would provide that individual with an equally effective opportunity and  
4 would not cause an undue hardship on the operation of the business.

5 (c) A complaining party may recover punitive damages under this  
6 subparagraph against a respondent if the complaining party demonstrates that  
7 the respondent engaged in a discriminatory practice or discriminatory  
8 practices with malice or with reckless indifference to the rights of an  
9 aggrieved individual protected by this Act.

10 (d) Compensatory damages awarded under this subparagraph do not include  
11 back pay, interest on back pay or any other type of relief authorized  
12 elsewhere under this subsection.

13 (e) The sum of compensatory damages awarded under this subparagraph for  
14 future pecuniary losses, emotional pain, suffering, inconvenience, mental  
15 anguish, loss of enjoyment of life, other nonpecuniary losses and the amount  
16 of punitive damages awarded under this section may not exceed for each  
17 complaining party:

18 (i) In the case of a respondent who has more than 14 and fewer than 101  
19 employees in each of 20 or more calendar weeks in the current or  
20 preceding calendar year, \$50,000;

21 (ii) In the case of a respondent who has more than 100 and fewer than  
22 201 employees in each of 20 or more calendar weeks in the current or  
23 preceding calendar year, \$100,000;

24 (iii) In the case of a respondent who has more than 200 and fewer than  
25 501 employees in each of 20 or more calendar weeks in the current or  
26 preceding calendar year, \$300,000; and

27 (iv) In the case of a respondent who has more than 500 employees in  
28 each of 20 or more calendar weeks in the current or preceding calendar  
29 year, \$500,000.

30 (f) Nothing in this subparagraph may be construed to limit the scope of, or  
31 the relief available under, 42 United States Code, Section 1981 (1994).

32 (g) If a complaining party seeks compensatory or punitive damages under  
33 this subparagraph, any party may demand a trial by jury, and the court may  
34 not inform the jury of the limitations described in division (e).

35 (h) This subparagraph does not apply to recoveries for a practice that is  
36 unlawful only because of its disparate impact.

37 (i) Punitive damages may not be included in a judgment or award against a  
38 governmental entity, as defined in Title 14, section 8102, subsection 2, or  
39 against an employee of a governmental entity based on a claim that arises out  
40 of an act or omission occurring within the course or scope of that  
41 employee's employment; and

1       (9) In addition to other remedies in subparagraphs (1) to (8), an order to pay  
2       actual damages in the case of discriminatory housing practices. This  
3       subparagraph is not intended to limit actual damages available to a plaintiff  
4       alleging other discrimination if the remedy of actual damages is otherwise  
5       available under this Act;

6       **Sec. A-8. 5 MRSA §12004-I, sub-§3-D**, as enacted by PL 2007, c. 146, §1, is  
7       amended to read:

8       **3-D.**

9       Conservation	Allagash	Expenses/Legislative	12 MRSA §1891
10       Wilderness		per diem	<u>§1890-A</u>
11       Waterway			
12       Advisory Council			

13       **Sec. A-9. 5 MRSA §18306-A, sub-§1, ¶D**, as enacted by PL 2007, c. 137, §21,  
14       is amended to read:

15       D. Except when inclusion of a portion of employer contributions is required by  
16       ~~subsection 5~~ paragraph E, only accumulated contributions made by the member or  
17       picked up by the employer may be refunded to that member under this section; and

18       **Sec. A-10. 7 MRSA §242, sub-§10**, as enacted by PL 2007, c. 456, §2, is  
19       amended to read:

20       **10. Receipt of money and property.** The council may accept grants or  
21       contributions of money or other things of value from any source, public or private. The  
22       council receives funds from the sale of agriculture education plates pursuant to Title  
23       29-A, section ~~456-D~~ 456-E. The grants, receipts and other contributions must be held by  
24       the council and used to carry out the purposes of this section, subject to any condition  
25       under which the grant or contribution was accepted by the council. Funds may be used to  
26       compensate members of the council for expenses in accordance with the council's bylaws.  
27       Funds received under this subsection are not state funds.

28       **Sec. A-11. 9 MRSA §5017, first ¶**, as repealed and replaced by PL 2007, c. 402,  
29       Pt. A, §10, is amended to read:

30       The commissioner may deny a license, refuse to renew a license or impose the  
31       disciplinary sanctions authorized under Title 10, section 8003, subsection 5-A for any of  
32       the reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A.

33       **Sec. A-12. 12 MRSA §685-A, sub-§10, ¶B**, as enacted by PL 2001, c. 105, §1,  
34       is amended to read:

35       B. The access and use needs of a person with a physical disability as ~~defined~~  
36       described in Title 5, section ~~4553~~ 4553-A, subsection ~~7-B~~ 1, paragraphs C and D who  
37       resides in or regularly uses a structure; or

1       **Sec. A-13. 12 MRSA §1891**, as enacted by PL 2007, c. 146, §3, is reallocated to  
2 12 MRSA §1890-A.

3       **Sec. A-14. 12 MRSA §1891-A**, as enacted by PL 2007, c. 146, §4, is reallocated  
4 to 12 MRSA §1890-B.

5       **Sec. A-15. 12 MRSA §1891-B**, as enacted by PL 2007, c. 146, §5, is reallocated  
6 to 12 MRSA §1890-C.

7       **Sec. A-16. 12 MRSA §6024, sub-§1-A**, as amended by PL 2007, c. 176, §1 and  
8 c. 240, Pt. QQ, §2, is repealed and the following enacted in its place:

9       **1-A. Appointment; composition; term; compensation.** The Marine Resources  
10 Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of 16  
11 members. The chair of the Lobster Advisory Council, the chair of the Marine  
12 Recreational Fishing Advisory Council, the chair of the Sea Run Fisheries and Habitat  
13 Advisory Council and the chair of the Sea Urchin Zone Council are ex officio members  
14 of the council. Each other member is appointed by the Governor and is subject to review  
15 by the joint standing committee of the Legislature having jurisdiction over marine  
16 resources and to confirmation by the Legislature. Six members must be persons who are  
17 licensed under this Part to engage in commercial harvesting activities. Those 6 members  
18 are selected by the Governor from names recommended to the Governor by groups  
19 representing commercial harvesting interests. Each member must represent a different  
20 commercial harvesting activity, except that none of those 6 members may represent  
21 lobster harvesters. The remaining 6 members must include one public member, 4 persons  
22 who hold a nonharvesting-related license under this Part and one person representing the  
23 aquaculture industry. The Governor shall select the person to represent the aquaculture  
24 industry from among the names recommended by the aquaculture industry. The  
25 composition of the council must reflect a geographical distribution along the coast. All  
26 appointed members are appointed for a term of 3 years, except a vacancy must be filled in  
27 the same manner as an original member for the unexpired portion of the term. An  
28 appointed member may not serve for more than 2 consecutive terms. Appointed  
29 members serve until their successors are appointed. The chair of the Lobster Advisory  
30 Council, the chair of the Marine Recreational Fishing Advisory Council, the chair of the  
31 Sea Run Fisheries and Habitat Advisory Council and the chair of the Sea Urchin Zone  
32 Council shall serve until a new chair of the Lobster Advisory Council, a new chair of the  
33 Marine Recreational Fishing Advisory Council, a new chair of the Sea Run Fisheries and  
34 Habitat Advisory Council or a new chair of the Sea Urchin Zone Council, respectively, is  
35 chosen. Members are compensated as provided in Title 5, chapter 379.

36       **Sec. A-17. 12 MRSA §6434, sub-§4**, as amended by PL 2007, c. 201, §15 and c.  
37 283, §3, is repealed and the following enacted in its place:

38       **4. Restitution.** If the holder of a lobster and crab fishing license or a nonresident  
39 lobster and crab landing permit violates this section by cutting a lobster trap line, the  
40 court shall:

41       **A.** Order that person to pay to the owner of the trap line that was cut an amount  
42 equal to twice the replacement value of all traps lost as a result of that cutting; and



1       B. Direct that person to provide proof of payment of that restitution to the  
2       commissioner as required by section 6402, subsection 1.

3       Restitution imposed under this subsection is in addition to any penalty imposed under  
4       subsection 3-A.

5       **Sec. A-18. 12 MRSA §11224**, as enacted by PL 2007, c. 454, §1, is reallocated to  
6       12 MRSA §11226.

7       **Sec. A-19. 13-B MRSA §1401, sub-§35**, as amended by PL 2007, c. 231, §18  
8       and c. 323, Pt. B, §34 and affected by c. 323, Pt. G, §4, is repealed and the following  
9       enacted in its place:

10       **35. Reinstatement fee after administrative dissolution of domestic or foreign**  
11       **corporation.** For failure to file an annual report, \$25 for each period of delinquency; for  
12       failure to pay the annual report late filing penalty, \$25; for failure to appoint or maintain a  
13       registered agent, \$25; for failure to notify the Secretary of State that its registered agent or  
14       the address of the registered agent has been changed or that its registered agent has  
15       resigned, \$25; and for filing false information, \$25; and

16       **Sec. A-20. Effective date.** That section of this Act that repeals and replaces the  
17       Maine Revised Statutes, Title 13-B, section 1401, subsection 35 takes effect July 1, 2008.

18       **Sec. A-21. 15 MRSA §3314, sub-§2**, as amended by PL 2007, c. 96, §6, is  
19       further amended to read:

20       **2. Suspended disposition.** The court may impose any of the dispositional  
21       alternatives provided in subsection 1 and may suspend its disposition and place the  
22       juvenile on a specified period of probation that is subject to such provisions of Title 17-A,  
23       section 1204 as the court may order and that is administered pursuant to the provisions of  
24       Title 34-A, chapter 5, subchapter 4, except that the court may not impose the condition  
25       set out in Title 17-A, section 1204, subsection 1-A. The court may impose as a condition  
26       of probation that a juvenile must reside outside the juvenile's home in a setting  
27       satisfactory to the juvenile community corrections officer if the court determines that  
28       reasonable efforts have been made to prevent or eliminate the need for removal of the  
29       juvenile from the juvenile's home or that no reasonable efforts are necessary because of  
30       the existence of an aggravating factor as defined in Title 22, section 4002, subsection  
31       1-B, and that continuation in the juvenile's home would be contrary to the welfare of the  
32       juvenile. Imposition of such a condition does not affect the legal custody of the juvenile.

33       Modification of probation is governed by the procedures contained in Title 17-A, section  
34       1202, subsection 2. Termination of probation is governed by the procedures contained in  
35       Title 17-A, section 1202, subsection 3. Revocation of probation is governed by the  
36       procedures contained in Title 17-A, sections 1205, 1205-B, 1205-C and 1206, except that  
37       this subsection governs the court's determinations concerning probable cause and  
38       continued detention and those provisions of Title 17-A, section 1206, subsection 7-A  
39       allowing a vacating of part of the suspension of execution apply only to a suspended fine  
40       under subsection 1, paragraph G or a suspended period of confinement under paragraph  
41       H. A suspended commitment under subsection 1, paragraph F may be modified to a

1 disposition under subsection 1, paragraph H. When a revocation of probation results in  
2 the imposition of a disposition under subsection 1, paragraph F or a period of  
3 confinement under subsection 1, paragraph H, the court shall determine whether  
4 reasonable efforts have been made to prevent or eliminate the need for removal of the  
5 juvenile from the juvenile's home or that no reasonable efforts are necessary because of  
6 the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B  
7 and whether continuation in the juvenile's home would be contrary to the welfare of the  
8 juvenile. This determination does not affect whether the court orders a particular  
9 disposition upon a revocation of probation. If the juvenile is being detained for an  
10 alleged violation of probation, the court shall review within 48 hours following the  
11 detention, excluding Saturdays, Sundays and legal holidays, the decision to detain the  
12 juvenile. Following that review, the court shall order the juvenile's release unless the  
13 court finds that there is probable cause to believe that the juvenile has violated a  
14 condition of probation and finds, by a preponderance of the evidence, that continued  
15 detention is necessary to meet one of the purposes of detention under section 3203-A,  
16 subsection 4, paragraph C. When a court orders continued detention, the court shall  
17 determine whether reasonable efforts have been made to prevent or eliminate the need for  
18 removal of the juvenile from the juvenile's home or that no reasonable efforts are  
19 necessary because of the existence of an aggravating factor as defined in Title 22, section  
20 4002, subsection 1-B and whether continuation in the juvenile's home would be contrary  
21 to the welfare of the juvenile. This determination does not affect whether the court orders  
22 continued detention.

23 **Sec. A-22. 17-A MRSA §16, sub-§2**, as repealed and replaced by PL 2007, c.  
24 466, Pt. B, §11 and affected by §12, is amended to read:

25 **2.** Any person who, in fact, is committing in the private person's presence and in a  
26 public place any of the Class D or Class E crimes described in section 207; 209; 211;  
27 254; 255; ~~501, subsection 2;~~ 501-A, subsection 1, paragraph B; 503; 751; 806; or 1002.

28 **Sec. A-23. 17-A MRSA §1110, sub-§1-C**, as enacted by PL 2007, c. 346, Pt. B,  
29 §3, is amended to read:

30 **1-C.** It is an affirmative defense to prosecution under ~~section~~ subsection 1-A that the  
31 person furnishing the hypodermic apparatuses is enrolled in a hypodermic apparatus  
32 exchange program that is certified by the Department of Health and Human Services,  
33 Maine Center for Disease Control and Prevention and is furnishing the hypodermic  
34 apparatuses to an employee of such a program.

35 **Sec. A-24. 20-A MRSA §401, sub-§1**, as amended by PL 2007, c. 200, §1 and  
36 repealed and replaced by c. 466, Pt. B, §14 and affected by §15, is repealed and the  
37 following enacted in its place:

38 **1. Appointment.** The state board consists of 9 members and, beginning in the 2007-  
39 2008 school year, 2 nonvoting student members, one junior and one senior in high school.  
40 All members are appointed by the Governor. Four members must reside in the State's  
41 First Congressional District at the time of appointment, 4 members must reside in the  
42 State's Second Congressional District at the time of appointment and one member may  
43 reside in either the First Congressional District or the Second Congressional District at

1 the time of appointment. One of the student members must reside in the State's First  
2 Congressional District at the time of appointment and the other student member must  
3 reside in the State's Second Congressional District at the time of appointment. Each  
4 appointment is subject to review by the joint standing committee of the Legislature  
5 having jurisdiction over education matters and to confirmation by the Senate.

6 **Sec. A-25. 20-A MRSA §1506, sub-§4**, as enacted by PL 2007, c. 240, Pt.  
7 XXXX, §13, is amended to read:

8 **4. Debt of original education units.** After July 1, 2008, for each original education  
9 unit with existing debt that has reorganized into a new unit, if the new unit has not agreed  
10 to assume liability to pay that existing debt, the regional school unit board shall serve as  
11 agent for purposes of that existing debt and has full authority to:

12 A. Sue and be sued in the name of the original education unit with respect to the  
13 existing debt;

14 B. Determine the debt service due each fiscal year on any existing debt;

15 C. As applicable, allocate to each member of the original education unit the  
16 member's share of the annual debt service for the existing debt of the original  
17 education unit in addition to each member's share of costs of the new unit;

18 D. Collect the allocation for debt service on the existing debt from the original  
19 education unit or, as applicable, from each member of the original education unit in  
20 addition to each member's share of costs of the new unit;

21 E. Pay the debt service on the existing debt of the original education unit when due;  
22 and

23 F. Take all other actions necessary and proper with respect to the existing debt.

24 Allocations between members of the original education unit to pay the debt service for  
25 the existing debt must be made on the basis of the cost-sharing formula of the original  
26 education unit in effect on July 1, 2007, as applied to the year of allocation. In the case of  
27 state-subsidized debt service, the provisions of subsection 3 apply. Amounts to pay the  
28 debt service on the existing debt of the original education units must be included in the  
29 budget that the regional school unit board of a new unit submits for approval. If the  
30 original education unit is divided between different new units that have not agreed to  
31 assume liability to pay the existing debt, the commissioner shall require that the  
32 reorganization plan of one of those new units provide for that new unit to serve as agent  
33 for purposes of the existing debt of the original education unit. That new unit, as agent,  
34 has the authority provided by this subsection, except that the new unit shall notify the  
35 other new units containing members of the original education unit of the amounts they  
36 must assess and collect from their members who were members of the original education  
37 unit, and those other new units shall perform the functions in ~~subsection 4~~, paragraphs C  
38 and D with respect to their members, and shall pay the appropriate amounts over to the  
39 new unit serving as agent.

40 **Sec. A-26. 20-A MRSA §15696, sub-§1, ¶A**, as enacted by PL 2007, c. 240, Pt.  
41 XXXX, §33, is amended to read:

1       A. The school administrative unit is eligible for only 50% of the minimum state  
2 allocation under ~~Title 20-A~~, section 15689, subsection 1;

3       **Sec. A-27. 21-A MRSA §1018**, as amended by PL 2007, c. 443, Pt. A, §19, is  
4 repealed.

5       **Sec. A-28. 22 MRSA §10-A**, as enacted by PL 2005, c. 634, §10, is amended to  
6 read:

7       **§10-A. Coordination and reporting on expenditure of funds pertaining to homeland**  
8       **security and bioterrorism prevention**

9       The Director of the Maine Center for Disease Control and Prevention shall coordinate  
10 in a mutually agreed upon manner with the Director of the Maine Emergency  
11 Management Agency within the Department of Defense, Veterans and Emergency  
12 Management on the planning and expenditure of all federal funds received by the Maine  
13 Center for Disease Control and Prevention for homeland security emergency  
14 preparedness purposes or for the prevention of bioterrorism and provide a report  
15 annually, beginning December 15, 2006, to the Homeland Security Advisory Council  
16 established in Title 37-B, section ~~709~~ 708. The advisor for the Homeland Security  
17 Advisory Council shall report by January 15th of each year, beginning in 2007, on the  
18 expenditure of such funds to the joint standing committee of the Legislature having  
19 jurisdiction over health and human services matters and the joint standing committee of  
20 the Legislature having jurisdiction over criminal justice and public safety matters. The  
21 report must include, but is not limited to, the amount of funds expended in the prior year,  
22 the purpose of those expenditures, the effect of those expenditures on homeland security  
23 and bioterrorism prevention and the plans for coordination with the Maine Emergency  
24 Management Agency for the expenditure of the funds received or anticipated for such  
25 purposes in the 2 years following submission of the report.

26       **Sec. A-29. 22 MRSA §2685, sub-§2, ¶B**, as enacted by PL 2007, c. 327, §1, is  
27 amended to read:

28       B. "Carrier" has the same meaning as in Title 24-A, section 4301-A, ~~section~~  
29 subsection 3.

30       **Sec. A-30. 22 MRSA §8702, sub-§8-B**, as enacted by PL 2007, c. 136, §1, is  
31 amended to read:

32       **8-B. Pharmacy benefits manager.** "Pharmacy benefits manager" means an entity  
33 that performs pharmacy benefits management as defined in section 2699, subsection 1,  
34 paragraph E.

35       **Sec. A-31. 22 MRSA §8702, sub-§11**, as amended by PL 2007, c. 136, §1 and c.  
36 240, Pt. VV, §2, is repealed and the following enacted in its place:

37       **11. Third-party payor.** "Third-party payor" means a health insurer, carrier,  
38 including a carrier that provides only administrative services for plan sponsors, nonprofit  
39 hospital, medical services organization or managed care organization licensed in the  
40 State. "Third-party payor" does not include carriers licensed to issue limited benefit

1 health policies or accident, specified disease, vision, disability, long-term care or nursing  
2 home care policies.

3 **Sec. A-32. 22 MRSA §8824, sub-§1-A**, as enacted by PL 2007, c. 450, Pt. A, §8,  
4 is amended to read:

5 **1-A. Referral to Child Development Services System.** The department shall adopt  
6 rules according to which it shall in a timely fashion refer children identified in subsection  
7 1 as having a high likelihood of having a hearing impairment to the Child Development  
8 Services System. The rules must also describe the timetables under which the department  
9 shall refer to the Child Development Services System children identified by the  
10 department in accordance with subsection 1 as having possible hearing impairment but  
11 for whom hearing impairment has been neither confirmed nor disconfirmed by 6 months  
12 of age. The Department of Education and the Department of Health and Human Services  
13 shall execute an interagency agreement ~~under section 7213~~ to facilitate the referrals in  
14 this subsection. In accordance with the interagency agreement, the Department of  
15 Education shall offer a single point of contact for the Department of Health and Human  
16 Services to use in making referrals. Also in accordance with the interagency agreement,  
17 the Child Development Services System may make direct contact with the families who  
18 are referred. The referrals may take place electronically. For purposes of quality  
19 assurance and improvement, the Child Development Services System shall supply to the  
20 Department of Health and Human Services aggregate data at least annually on the  
21 number of children referred under this subsection who are found eligible for early  
22 intervention services and on the number of children found not eligible for early  
23 intervention services.

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

26 **Sec. A-34. 24-A MRSA §4253**, as enacted by PL 2007, c. 452, §4, is reallocated  
27 to 24-A MRSA §4254.

28 **Sec. A-35. 25 MRSA §2001**, as amended by PL 2003, c. 414, Pt. B, §§36 and 37  
29 and affected by c. 614, §9 and repealed by c. 452, Pt. N, §1 and affected by Pt. X, §2, is  
30 repealed.

31 **Sec. A-36. 26 MRSA §629**, as amended by PL 2007, c. 357, §1 and repealed and  
32 replaced by c. 415, §1, is repealed and the following enacted in its place:

33 **§629. Unfair agreements**

34 **1. Work without compensation; return of compensation.** A person, firm or  
35 corporation may not require or permit any person as a condition of securing or retaining  
36 employment to work without monetary compensation or when having an agreement, oral,  
37 written or implied, that a part of such compensation should be returned to the person, firm  
38 or corporation for any reason other than for the payment of a loan, debt or advance made  
39 to the person, or for the payment of any merchandise purchased from the employer or for  
40 sick or accident benefits, or life or group insurance premiums, excluding compensation  
41 insurance, that an employee has agreed to pay, or for rent, light or water expense of a

1 company-owned house or building. This section does not apply to work performed in  
2 agriculture or in or about a private home.

3 **2. Debt.** For purposes of this subchapter, the word "debt" means a benefit to the  
4 employee. "Debt" does not include items incurred by the employee in the course of the  
5 employee's work or dealing with the customers on the employer's behalf, such as cash  
6 shortages, inventory shortages, dishonored checks, dishonored credit cards, damages to  
7 the employer's property in any form or any merchandise purchased by a customer. The  
8 cost of uniforms and of their laundering, if the nature of the business requires the  
9 employee to wear a uniform, the cost of any construction by and for the employer, the  
10 cost of tools of the trade and other materials and services incidental to carrying on the  
11 employer's business and other costs of furnishing facilities primarily for the benefit or  
12 convenience of the employer may not be considered a "debt."

13 **3. Penalty.** An employer is liable to an employee for the amount returned to the  
14 employer by that employee as prohibited in this section.

15 **4. Deduction of service fees.** Public employers may deduct service fees owed by an  
16 employee to a collective bargaining agent from the employee's pay, without signed  
17 authorization from the employee, and remit those fees to the bargaining agent, as long as:

18 A. The fee obligation arises from a lawfully executed and implemented collective  
19 bargaining agreement; and

20 B. In the event a fee payor owes any arrears on the payor's fee obligations, the  
21 deduction authorized under this subsection may include an installment on a payment  
22 plan to reimburse all arrears, but may not exceed in each pay period 10% of the gross  
23 pay owed.

24 **Sec. A-37. 26 MRSA §2171-A, sub-§2,** as enacted by PL 2003, c. 114, §19, is  
25 amended to read:

26 **2. Maine Conservation Corps.** The Maine Conservation Corps under Title 12,  
27 chapter 34 220, subchapter 6-A.

28 **Sec. A-38. 29-A MRSA §456-D,** as enacted by PL 2007, c. 456, §3 and corrected  
29 by RR 2007, c. 1, §13, is reallocated to 29-A MRSA §456-E.

30 **Sec. A-39. 29-A MRSA §468, sub-§6,** as amended by PL 2007, c. 240, Pt.  
31 LLLL, §3, is further amended to read:

32 **6. Numbering, lettering and duplicate plates.** Except as provided in section 465-C  
33 456-C, the Secretary of State shall issue a specialty license plate in a 3-number and 3-  
34 letter combination sequence. Vanity plates may not duplicate vanity plates issued in  
35 another class of plate.

36 **Sec. A-40. 29-A MRSA §1972, sub-§1,** as enacted by PL 2005, c. 544, §1, is  
37 amended to read:

1       **1. Ownership; access.** Data described in section ~~2564~~ 1971, subsection 1 that are  
2 recorded on an event data recorder may not be downloaded or otherwise retrieved by a  
3 person other than the owner of the motor vehicle at the time the data are accessed, except  
4 under the following circumstances:

5       A. The owner of the motor vehicle or the owner's agent or legal representative  
6 consents to the retrieval of the information;

7       B. A court of competent jurisdiction in this State orders the production of the data;

8       C. For purposes of improving motor vehicle safety, security or traffic management,  
9 including medical research on the human body's reaction to motor vehicle crashes, as  
10 long as the identity of the owner or driver is not disclosed in connection with that  
11 retrieved data. For the purposes of this paragraph, the disclosure of the vehicle  
12 identification number with the last 4 digits deleted does not constitute the disclosure  
13 of the identity of the owner or driver;

14       D. The data are retrieved by a licensed motor vehicle dealer or by an automotive  
15 technician for the purpose of diagnosing, servicing or repairing the motor vehicle;

16       E. The data are retrieved for the purpose of determining the need for or facilitating  
17 emergency medical response in the event of a motor vehicle crash;

18       F. The data are retrieved by a law enforcement officer acting pursuant to authority  
19 recognized under applicable statutory or constitutional law; or

20       G. The data are requested as part of routine civil or criminal discovery.

21       **Sec. A-41. 30-A MRSA §4211, sub-§4,** as enacted by PL 1987, c. 737, Pt. A, §2  
22 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
23 further amended to read:

24       **4. Enforcement and penalty.** Any person who violates this section ~~shall~~ must be  
25 penalized in accordance with section ~~4506~~ 4452. The municipality or the department  
26 may seek to enjoin violations of this section.

27       **Sec. A-42. 32 MRSA §1202, sub-§1, ¶A,** as amended by PL 2007, c. 398, §1  
28 and c. 402, Pt. I, §12, is repealed and the following enacted in its place:

29       A. For a journeyman electrician's license, a person must:

30               (1) Complete at least 8,000 hours of service as an apprentice or helper electrician  
31               or at least 8,000 hours of experience in electrical installations, as defined in  
32               section 1101, and satisfactorily complete a program of study comprising 576  
33               hours as approved by the Electricians' Examining Board or from an accredited  
34               institution. The 576 hours shall consist of 225 hours of required study, including  
35               an approved course of not less than 45 hours in the current National Electrical  
36               Code; and 351 hours of elective study, comprised of all trade-related electives or  
37               225 hours of trade-related courses and 135 hours of degree-related courses;

38               (2) Be a graduate of an accredited regional applied technology high school 2-  
39               year electrical program, have worked for 8,000 hours in the field of electrical  
40               installations under the supervision of a master electrician or the equivalent and

1 have completed a course of not less than 45 hours in the current National  
2 Electrical Code, the course to be approved by the board;

3 (3) Be a graduate of an accredited community college electrical program or a  
4 vocational-electrical program of the Department of Corrections, have worked for  
5 4,000 hours in the field of electrical installations under the supervision of a  
6 master electrician or the equivalent and have completed a course of not less than  
7 45 hours in the current National Electrical Code, the course to be approved by the  
8 board. Persons qualifying under this paragraph may sit for the journeyman's  
9 examination upon graduation if application is made within one year of  
10 graduation; or

11 (4) Be an electrical apprentice registered with the State Apprenticeship and  
12 Training Council and have completed 576 hours of related instruction, as defined  
13 in this paragraph, prescribed in their apprenticeship program, the 8,000-hour  
14 approved program and a course of not less than 45 hours in the current National  
15 Electrical Code, the course to be approved by the board. Persons qualifying  
16 under this paragraph may sit for the journeyman's examination after completion  
17 of the 576 hours of instruction if application is made within one year of the  
18 completion of the instruction.

19 **Sec. A-43. 32 MRSA §12228**, as amended by PL 2007, c. 384, §§3 to 8 and c.  
20 402, Pt. Z, §11, is repealed and the following enacted in its place:

21 **§12228. Certified public accountants; qualifications**

22 **1. Certificate grant.** The board shall grant the certificate of "certified public  
23 accountant" to any person who makes application to the board and who meets the good  
24 character, education, examination and experience requirements of this section, and who  
25 pays the fees as set under section 12203, except that no certificate may be granted to a  
26 person holding a valid certificate issued by another state.

27 **2. Good character.** "Good character" for the purposes of this section means lack of  
28 a history of dishonest or felonious acts. The board may refuse to grant a certificate on the  
29 ground of failure to satisfy this requirement only if there is a substantial connection  
30 between the lack of good character of the applicant and the professional responsibilities  
31 of a licensee and if the finding by the board of lack of good character is supported by  
32 clear and convincing evidence. When an applicant is found to be unqualified for a  
33 certificate because of a lack of good character, the board shall furnish the applicant a  
34 statement containing the findings of the board, a complete record of the evidence upon  
35 which the determination was based and a notice of the applicant's right of appeal under  
36 the Maine Administrative Procedure Act, Title 5, chapter 375.

37 **3. Education requirement.** The education requirement for a certificate is as  
38 follows:

39 B. At least 150 semester hours of education, including a minimum 4-year  
40 baccalaureate or higher degree conferred by a college or university acceptable to the  
41 board, the total educational program to include basic courses in accounting and  
42 auditing determined to be appropriate under board rules. Rules adopted by the board



1        pursuant to this paragraph are routine technical rules as defined in Title 5, chapter  
2        375, subchapter 2-A; and

3        C. An examination applicant who expects to complete a minimum 4-year  
4        baccalaureate or higher degree required in paragraph B within 120 days following the  
5        examination is eligible to take the examination. Grades may not be released, nor may  
6        credit for the examination or any part of the examination be given to the applicant  
7        unless the degree required in paragraph B is completed within 120 days following the  
8        examination or within such time as the board in its sole discretion may determine.

9        **4. Examination.** An applicant is required to pass an examination approved by the  
10       board to test the applicant's knowledge of the subjects of accounting and auditing and  
11       such other related subjects as the board may specify by rule in order to qualify for a  
12       certificate. Rules adopted pursuant to this section are routine technical rules as defined in  
13       Title 5, chapter 375, subchapter 2-A. The board may make the use of all or any part of  
14       the Uniform Certified Public Accountant Examination and the Advisory Grading Service  
15       of the American Institute of Certified Public Accountants or any other examination  
16       approved by the board and may contract with 3rd parties to perform such administrative  
17       services with respect to the examination as it considers appropriate to assist it in  
18       performing its duties under this section.

19       **6. Examination; credits.** An applicant must be given credit for any and all parts of  
20       an examination passed in another state if that credit would have been given, under then  
21       applicable requirements, if the applicant had taken the examination in this State.

22       **7. Waiver.** The board may, in particular cases, waive or defer any of the  
23       requirements of subsection 6 regarding the circumstances in which the various sections of  
24       the examination must be passed upon a showing that, by reason of circumstances beyond  
25       the applicant's control, the applicant was unable to meet that requirement.

26       **9. Out-of-state examination.** An applicant who has been given credit for any or all  
27       parts of an examination passed in another state as provided in subsection 6 must pay the  
28       fee as set under section 12203.

29       **10. Experience.** For initial issuance of a certificate under this subsection, an  
30       applicant shall demonstrate 2 years of experience under the direction of a certified public  
31       accountant licensed by any state or territory of the United States or equivalent direction,  
32       as determined by the board, by a licensed professional in another country and must meet  
33       the other requirements prescribed by the board by rule. The applicant's experience must  
34       include the use of accounting or auditing skills, including the issuance of reports on  
35       financial statements, and at least one of the following: the provision of management  
36       advisory, financial advisory or consulting services; the preparation of tax returns; the  
37       furnishing of advice on tax matters; or equivalent activities defined by the board by rule.  
38       Board rules adopted pursuant to this subsection are routine technical rules as defined in  
39       Title 5, chapter 375, subchapter 2-A. To the extent the applicant's experience is as a  
40       revenue agent or in a similar position engaged in the examination of personal and  
41       corporate income tax returns for the Bureau of Revenue Services, the applicant receives  
42       credit at the rate of 50% toward the experience required by this subsection. To the extent  
43       the applicant's experience is as an examiner engaged in financial examinations for the

1 Bureau of Insurance, the applicant receives credit under this subsection if that experience  
2 meets the following standards:

3 A. Examinations are performed in conformity with the Examiners' Handbook  
4 published by the National Association of Insurance Commissioners or its successor or  
5 other organization approved by the board;

6 B. Working papers prepared by the examiners are in conformity with generally  
7 accepted auditing standards and are subject to a review by a supervisor who must be a  
8 certified public accountant;

9 C. Written reports of examination are prepared in conformity with the Examiners'  
10 Handbook published by the National Association of Insurance Commissioners or its  
11 successor or other organization approved by the board. All examiners working on the  
12 examinations must participate in the preparation of the report;

13 D. Reports of examination are prepared in accordance with statutory accounting  
14 principles. All examiners working on the examinations must participate in the  
15 preparation of the financial statements and corresponding note disclosures; and

16 E. All examiners assigned to an examination must participate in the planning of the  
17 examination and the planning phase conforms to the Examiners' Handbook published  
18 by the National Association of Insurance Commissioners or its successor or other  
19 organization approved by the board and generally accepted auditing standards.

20 **11. Board discretion.** The members of the board have the full and sole  
21 responsibility for the determination of the qualifications of applicants for the certificate of  
22 "certified public accountant." Only persons recommended by the board may be granted  
23 the certificate of "certified public accountant."

24 **Sec. A-44. 32 MRSA §12252**, as amended by PL 2007, c. 384, §§11 to 13 and c.  
25 402, Pt. Z, §17, is repealed and the following enacted in its place:

26 **§12252. Licenses; firms**

27 **1. Permits granted.** The board shall grant or renew a license to firms that make  
28 application, pay the fee as set under section 12203 and demonstrate their qualifications in  
29 accordance with this section.

30 A. A firm must hold a license issued under this section if it:

31 (1) Has an office in this State performing any of the services described in section  
32 12201, subsection 3-A, paragraphs A to D;

33 (2) Has an office in this State that uses the title "CPA" or "CPA firm"; or

34 (3) Does not have an office in this State but performs any of the services  
35 described in section 12201, subsection 3-A, paragraphs A, C or D for a client  
36 having its home office in this State.

37 B. A firm that does not have an office in this State may perform services described in  
38 section 12201, subsection 3-A, paragraph B for a client having its home office in this

1       State and may use the title "CPA" or "CPA firm" without a license issued under this  
2       section only if:

3               (1) It qualifies for a firm license pursuant to subsections 3 and 8; and

4               (2) It performs such services through an individual with practice privileges under  
5               section 12251, subsection 4-B.

6       C. A firm that is not subject to the requirements of paragraphs A and B may perform  
7       professional services other than those described in section 12201, subsection 3-A  
8       while using the title "CPA" or "CPA firm" in this State without a license issued under  
9       this section only if the firm:

10              (1) Performs such services through an individual with practice privileges under  
11              section 12251, subsection 4-B; and

12              (2) Has legal authority to perform such services in the state of that individual's  
13              principal place of business.

14       **2. Duration.** Licenses are initially issued and renewed for a period of one year, but  
15       in any event expire on June 30th following issuance or renewal or on such other date as  
16       the commissioner may designate. The board shall grant or deny a license application no  
17       later than 60 days after a complete application is filed. In any case when the applicant  
18       seeks the opportunity to show that issuance or renewal of a license was mistakenly denied  
19       or when the board is not able to determine whether it should be granted or denied, the  
20       board may issue to the applicant a provisional license, which expires 90 days after its  
21       issuance or when the board determines whether or not to issue or renew the license for  
22       which application was made, whichever first occurs.

23       **3. Firm licenses.** The following provisions apply to the issuance of firm licenses.

24       A. An applicant for initial issuance or renewal of a license under this section shall  
25       show that a simple majority of the ownership of the firm, in terms of financial  
26       interests and voting rights of all partners, officers, shareholders, members or  
27       managers, belongs to holders of certificates who are licensed in a state and that all  
28       partners, officers, shareholders, members or managers whose principal place of  
29       business is in this State and who perform professional services in this State hold valid  
30       individual licenses issued by the board. Firms may include nonlicensee owners in  
31       accordance with paragraph B.

32       B. A certified public accountancy firm or public accountancy firm may include  
33       nonlicensee owners as long as:

34              (1) All nonlicensee owners are individuals who actively participate in the  
35              certified public accountancy firm or public accountancy firm;

36              (2) The firm complies with such other requirements as the board may impose by  
37              rule; and

38              (3) The firm designates an individual who is a licensee of this State or, in the  
39              case of a firm that must have a license pursuant to subsection 1, paragraph A,  
40              subparagraph (3), designates an individual who is a licensee of another state who  
41              meets the requirements set out in section 12251, subsection 4-B, paragraph A

1       who is responsible for the proper registration of the firm and identifies that  
2       individual who is a licensee to the board.

3       **4. Office registered.** An applicant for initial issuance or renewal of a license under  
4       this section shall register each office of the firm within this State with the board, pay the  
5       fee as set under section 12203 and show that each such office is under the charge of a  
6       person holding a valid license issued under section 12251 or the corresponding provision  
7       of prior law or the laws of another state.

8       **6. Out-of-state licenses.** Applicants for initial issuance or renewal of licenses under  
9       this section shall in their application list all states in which they have applied for, or hold  
10      licenses to, practice public accountancy and each holder of, or applicant for, a license  
11      under this section shall notify the board in writing, within 30 days after its occurrence, of  
12      any change in the identities of partners, officers or shareholders who work regularly  
13      within this State, any change in the number or location of offices within this State, any  
14      change in the identity of the persons in charge of those offices and any issuance, denial,  
15      revocation or suspension of a license by any other state.

16      **8. Peer review for certified public accountancy firms.** As a condition to the  
17      granting or renewal of licenses to certified public accountancy firms, each applicant that  
18      provides a defined service other than compilations must successfully participate in an  
19      approved peer review program. Participation in such a program is governed by the  
20      following.

21      A. A peer review must be completed within 18 months after the initial granting of  
22      the license. The firm must undergo a peer review every 3 years for as long as it  
23      provides a defined service other than compilations.

24      B. A certified public accountancy firm that does not provide a defined service other  
25      than compilations is not required to undergo a peer review if the firm annually  
26      confirms in writing to the board that it does not provide a defined service other than  
27      compilations. A certified public accountancy firm that subsequently provides a  
28      defined service other than compilations must undergo a peer review within 18 months  
29      after the fiscal year end of the first defined services engagement other than  
30      compilations that it accepts.

31      The board is authorized to adopt rules to carry out the intent of this subsection. Rules  
32      adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter  
33      375, subchapter 2-A.

34      **Sec. A-45. 32 MRSA §17104,** as enacted by PL 2007, c. 369, Pt. C, §3 and  
35      affected by §5, is amended by adding at the end a new paragraph to read:

36      An individual who is enrolled in a course of study leading to a degree in speech-  
37      language pathology or audiology at an accredited college or accredited university is  
38      exempt as long as such activities and services constitute a part of the course of study.

39      **Sec. A-46. 32 MRSA §17104, sub-§4,** as enacted by PL 2007, c. 369, Pt. C, §3  
40      and affected by §5, is repealed.

1       **Sec. A-47. 34-B MRSA §5438**, as enacted by PL 2007, c. 240, Pt. OO, §2, is  
2       reallocated to 34-B MRSA §5439.

3       **Sec. A-48. 35-A MRSA §10008, sub-§5**, as enacted by PL 2007, c. 317, §15, is  
4       amended to read:

5       **5. Ceiling on energy efficiency spending.** There is established a ceiling on energy  
6       efficiency spending from the trust equal to \$5 per carbon dioxide allowance. Until that  
7       price ceiling is adjusted or removed, only the first \$5 of each carbon dioxide allowance  
8       sold and deposited in the trust fund may be awarded to or directed to qualified projects  
9       for purposes of energy efficiency improvements. While the ceiling is in place, revenue  
10      received by the trust from an allowance value above \$5 must be transferred to the  
11      commission for use ~~used~~ by the commission pursuant to sections 301 and 1322 for  
12      rebates to electric ratepayers calculated on a per-kilowatt-hour basis.

13      **Sec. A-49. 36 MRSA §581**, as amended by PL 2007, c. 425, §1 and repealed and  
14      replaced by c. 438, §18, is repealed and the following enacted in its place:

15      **§581. Withdrawal**

16      **1. Assessor determination; owner request.** If the assessor determines that land  
17      subject to this subchapter no longer meets the requirements of this subchapter, the  
18      assessor must withdraw the land from taxation under this subchapter. Before  
19      withdrawing the land from taxation under this subchapter, if the sole reason the land does  
20      not meet the requirements of this subchapter is that the owner failed to file the sworn  
21      statement required under section 574-B, subsection 1, the assessor shall provide the  
22      owner with written notice by regular mail of the deadline to file the sworn statement and  
23      permit the owner at least 60 days to respond to that notice. An owner of land subject to  
24      this subchapter may at any time request withdrawal of that land from taxation under this  
25      subchapter by certifying in writing to the assessor that the land is no longer to be  
26      classified under this subchapter.

27      **2. Withdrawal of portion.** In the case of withdrawal of a portion of a parcel, the  
28      owner, as a condition of withdrawal, shall file with the assessor a plan showing the area  
29      withdrawn and the area remaining subject to taxation under this subchapter. In the case  
30      of withdrawal of a portion of a parcel, the resulting portions must be treated after the  
31      withdrawal as separate parcels under section 708.

32      **3. Penalty.** If the land is withdrawn from taxation under this subchapter, the  
33      assessor shall impose a penalty upon the owner. The penalty is the greater of:

34      A. An amount equal to the taxes that would have been assessed on the first day of  
35      April for the 5 tax years, or any lesser number of tax years starting with the year in  
36      which the land was first classified, preceding the withdrawal had that land been  
37      assessed in each of those years at its just value on the date of withdrawal. That  
38      amount must be reduced by all taxes paid on that land over the preceding 5 years, or  
39      any lesser number of tax years starting with the year in which the land was first  
40      classified, and increased by interest at the prevailing municipal rate from the date or  
41      dates on which those amounts would have been payable; and

1 B. An amount computed by multiplying the amount, if any, by which the just value  
2 of the land on the date of withdrawal exceeds the 100% valuation of the land pursuant  
3 to this subchapter on the preceding April 1st by the following rates:

4 (1) If the land was subject to valuation under this subchapter for 10 years or less  
5 prior to the date of withdrawal, the rate is 30%; and

6 (2) If the land was subject to valuation under this subchapter for more than 10  
7 years prior to the date of withdrawal, the rate is that percentage obtained by  
8 subtracting 1% from 30% for each full year beyond 10 years that the land was  
9 subject to valuation under this subchapter prior to the date of withdrawal, except  
10 that the minimum rate is 20%.

11 For purposes of this subsection, just value at the time of withdrawal is the assessed just  
12 value of comparable property in the municipality adjusted by the municipality's certified  
13 assessment ratio.

14 **4. Assessment and collection of penalties.** The penalties for withdrawal must be  
15 paid upon withdrawal to the tax collector as additional property taxes. Penalties may be  
16 assessed and collected as supplemental assessments in accordance with section 713-B.

17 **5. Eminent domain.** A penalty may not be assessed under this section for a  
18 withdrawal occasioned by a transfer to an entity holding the power of eminent domain if  
19 the transfer results from the exercise or threatened exercise of that power.

20 **6. Relief from requirements.** Upon withdrawal, the land is relieved of the  
21 requirements of this subchapter immediately and is returned to taxation under the statutes  
22 relating to the taxation of real property beginning the following April 1st.

23 **7. Reclassification as farmland or open space land.** A penalty may not be  
24 assessed upon the withdrawal of land from taxation under this subchapter if the owner  
25 applies for classification of that land as farmland or open space land under subchapter 10  
26 and that application is accepted. If a penalty is later assessed under section 1112, the  
27 period of time that the land was taxed as forest land under this subchapter is included for  
28 purposes of establishing the amount of the penalty.

29 **8. Report of penalty.** A municipality that receives a penalty for the withdrawal of  
30 land from taxation under this subchapter must report the total amount received in that  
31 reporting year to the State Tax Assessor on the municipal valuation return form described  
32 in section 383.

33 **Sec. A-50. 36 MRSA §693, sub-§1,** as amended by PL 2007, c. 435, §1 and c.  
34 437, §9, is repealed and the following enacted in its place:

35 **1. Reporting.** On or before May 1st of each year, a taxpayer claiming an exemption  
36 under this section shall file a report with the assessor of the taxing jurisdiction in which  
37 the property would otherwise be subject to taxation on April 1st of that year. The report  
38 must identify the property for which exemption is claimed that would otherwise be  
39 subject to taxation on April 1st of that year and must be made on a form prescribed by the  
40 State Tax Assessor or substitute form approved by the State Tax Assessor. The State Tax  
41 Assessor shall furnish copies of the form to each municipality in the State and the form

1 must be made available to taxpayers prior to April 1st annually. The assessor of the  
2 taxing jurisdiction may require the taxpayer to sign the form and make oath to its truth. If  
3 the report is not filed by April 1st, the filing deadline is automatically extended to May  
4 1st without the need for the taxpayer to request or the assessor to grant that extension.  
5 Upon written request, the assessor may at any time grant further extensions of time to file  
6 the report. If a taxpayer fails to file the report in a timely manner, including any  
7 extensions of time, the taxpayer may not obtain an exemption for that property under this  
8 subchapter for that tax year. The assessor of the taxing jurisdiction may require in  
9 writing that a taxpayer answer in writing all reasonable inquiries as to the property for  
10 which exemption is requested. A taxpayer has 30 days from receipt of such an inquiry to  
11 respond. Upon written request, a taxpayer is entitled to a 30-day extension to respond to  
12 the inquiry and the assessor may at any time grant additional extensions upon written  
13 request. The answer to any such inquiry is not binding on the assessor.

14 All notices and requests provided pursuant to this subsection must be made by personal  
15 delivery or certified mail and must conspicuously state the consequences of the taxpayer's  
16 failure to respond to the notice or request in a timely manner.

17 If an exemption has already been accepted and the State Tax Assessor subsequently  
18 determines that the property is not entitled to exemption, a supplemental assessment must  
19 be made within 3 years of the original assessment date with respect to the property in  
20 compliance with section 713, without regard to the limitations contained in that section  
21 regarding the justification necessary for a supplemental assessment.

22 **Sec. A-51. 36 MRSA §1760, sub-§90**, as enacted by PL 2007, c. 438, §47, is  
23 reallocated to 36 MRSA §1760, sub-§91.

24 **Sec. A-52. 36 MRSA §1811, first ¶**, as amended by PL 2007, c. 410, §5 and  
25 affected by §6 and amended by c. 444, §1, is repealed and the following enacted in its  
26 place:

27 A tax is imposed on the value of all tangible personal property and taxable services  
28 sold at retail in this State. The rate of tax is 7% on the value of liquor sold in licensed  
29 establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title  
30 28-A, chapter 43; 7% on the value of rental of living quarters in any hotel, rooming house  
31 or tourist or trailer camp; 10% on the value of rental for a period of less than one year of  
32 an automobile, including a loaner vehicle that is provided other than to a motor vehicle  
33 dealer's service customers pursuant to a manufacturer's or dealer's warranty; 7% on the  
34 value of prepared food; and 5% on the value of all other tangible personal property and  
35 taxable services. Value is measured by the sale price, except as otherwise provided. As  
36 used in this section, "loaner vehicle" has the same meaning as in section 1752, subsection  
37 11, paragraph B, subparagraph (8). The value of rental for a period of less than one year  
38 of an automobile is the total rental charged to the lessee and includes, but is not limited  
39 to, maintenance and service contracts, drop-off or pick-up fees, airport surcharges,  
40 mileage fees and any separately itemized charges on the rental agreement to recover the  
41 owner's estimated costs of the charges imposed by government authority for title fees,  
42 inspection fees, local excise tax and agent fees on all vehicles in its rental fleet registered  
43 in the State. All fees must be disclosed when an estimated quote is provided to the lessee.

1       **Sec. A-53. 36 MRSA §2521-A**, as amended by PL 2007, c. 240, Pt. KKKK, §5  
2 and affected by §7 and amended by c. 437, §12 and affected by §22, is repealed and the  
3 following enacted in its place:

4       **§2521-A. Returns; payment of tax**

5       Every insurance company, association, producer or attorney-in-fact of a reciprocal  
6 insurer subject to the tax imposed by this chapter shall on or before the last day of each  
7 April, the 25th day of each June and the last day of each October file with the State Tax  
8 Assessor on forms prescribed by the assessor a return for the quarter ending on the last  
9 day of the preceding calendar month, except for the return due on the 25th day of June,  
10 which is for the quarter ending June 30th. A final return must be filed on or before  
11 March 15th, covering the prior calendar year. The 3 quarterly returns may be on an  
12 estimated basis, as long as each April and June installment equals 35% of the total tax  
13 paid for the preceding calendar year or at least 35% of the total tax to be paid for the  
14 current calendar year and each October installment equals 15% of the total tax paid for  
15 the preceding calendar year or at least 15% of the total tax to be paid for the current  
16 calendar year.

17       At the time of filing the returns, each insurance company, association, producer or  
18 attorney-in-fact of a reciprocal insurer shall pay to the assessor the amount of tax shown  
19 due.

20       Insurance companies, associations, producers or attorneys-in-fact of a reciprocal  
21 insurer whose annual tax liability under this chapter does not exceed \$1,000 may file an  
22 annual return with payment on or before March 15th covering the prior calendar year.

23       **Sec. A-54. 36 MRSA §4641-B, sub-§4**, as amended by PL 2007, c. 240, Pt. H,  
24 §1 and c. 427, §1, is repealed and the following enacted in its place:

25       **4. Distribution of State's share of proceeds.** The State Tax Assessor shall pay all  
26 net receipts received pursuant to this section to the Treasurer of State and shall at the  
27 same time provide the Treasurer of State with documentation showing the amount of  
28 revenues derived from the tax imposed by section 4641-A, subsection 1 and the amount  
29 of revenues derived from the tax imposed by section 4641-A, subsection 2. The Treasurer  
30 of State shall credit 1/2 of the revenues derived from the tax imposed by section 4641-A,  
31 subsection 1 to the General Fund and shall monthly pay the remaining 1/2 of such  
32 revenues to the Maine State Housing Authority, which shall deposit the funds in the  
33 Housing Opportunities for Maine Fund created in Title 30-A, section 4853, except that in  
34 fiscal year 2003-04, fiscal year 2004-05 and fiscal year 2005-06, \$7,500,000 of the  
35 remaining 1/2 of those revenues must be transferred to the General Fund before any  
36 payments are made to the Maine State Housing Authority, in fiscal year 2006-07,  
37 \$7,687,067 of the remaining 1/2 of those revenues must be transferred to the General  
38 Fund before any payments are made to the Maine State Housing Authority and in fiscal  
39 year 2007-08 and fiscal year 2008-09, \$5,000,000 of the remaining 1/2 of those revenues  
40 must be transferred to the General Fund before any payments are made to the Maine State  
41 Housing Authority. Beginning July 1, 2009, neither the Governor nor the Legislature  
42 may divert the revenues payable to the Housing Opportunities for Maine Fund to any  
43 other fund or for any other use. Any proposal to enact or amend a law to allow



1 distribution of less than 1/2 of the revenues derived from the tax imposed by section  
2 4641-A, subsection 1 to the Housing Opportunities for Maine Fund must be submitted to  
3 the Legislative Council and to the joint standing committee of the Legislature having  
4 jurisdiction over affordable housing matters at least 30 days prior to any vote or public  
5 hearing on the proposal. The Treasurer of State shall credit to the General Fund all of the  
6 revenues derived from the tax imposed by section 4641-A, subsection 2.

7       **Sec. A-55. 36 MRSA §6254, sub-§1**, as enacted by PL 1989, c. 534, Pt. C, §1  
8 and repealed and replaced by c. 713, §4, is amended to read:

9       **1. Lien.** The lien provided in section 552 must continue for purposes of protecting  
10 the State's deferred tax interest in tax deferred property. When it is determined that one  
11 of the events set out in section 6259 has occurred and that a property is no longer eligible  
12 for property tax deferral under this chapter, the State Tax Assessor shall send notice by  
13 certified mail to the owner, or the owner's heirs or devisees, listing the total amount of  
14 deferred property taxes, including accrued interest and costs of all the years and  
15 demanding payment on or before April 30th of the year following the tax year in which  
16 the circumstances causing withdrawal from the provisions of this chapter occur.

17 When the circumstances listed in section 6259, subsection 4 occur, the amount of  
18 deferred taxes is due and payable 5 days before the date of removal of the property from  
19 the State.

20 If the deferred tax liability of a property has not been satisfied by the April 30th demand  
21 date, the State Tax Assessor shall, within 30 days, record in the registry of deeds in the  
22 county where the real estate is located a tax lien certificate signed by the State Tax  
23 Assessor or bearing the assessor's facsimile signature, setting forth the total amount of  
24 deferred tax liability, a description of the real estate on which the tax was deferred and an  
25 allegation that a tax lien is claimed on the real estate to secure payment of the tax, that a  
26 demand for payment of the tax has been made in accordance with this section and that the  
27 tax remains unpaid.

28 At the time of the recording of the tax lien certificate in the registry of deeds, the State  
29 Tax Assessor shall send by certified mail, return receipt requested, to each record holder  
30 of a mortgage on the real estate, to the holder's last known address, a true copy of the tax  
31 lien certificate. The cost to be paid by the property owner, or the owner's heirs or  
32 devisees, is the sum of the fees for recording and discharging of the lien as established by  
33 Title 33, section 751, ~~subsection 10~~, plus \$13. Upon redemption, the State Tax Assessor  
34 shall prepare and record a discharge of the tax lien mortgage. The lien described in  
35 section 552 is the basis of this tax lien mortgage procedure.

36 The filing of the tax lien certificate, provided for in this section, in the registry of deeds  
37 creates a mortgage on the real estate to the State and has priority over all other mortgages,  
38 liens, attachments and encumbrances of any nature and gives to the State all rights  
39 usually instant to a mortgage, except that the mortgagee does not have any right of  
40 possession of the real estate until the right of redemption expires.

41 Payments accepted during the redemption period may not interrupt or extend the  
42 redemption period or in any way affect the foreclosure procedures.

1       **Sec. A-56. 36 MRSA §6651, sub-§1**, as amended by PL 2007, c. 372, §1 and c.  
2       437, §21, is repealed and the following enacted in its place:

3       **1. Eligible property.** "Eligible property" means qualified business property first  
4 placed in service in the State, or constituting construction in progress commenced in the  
5 State, after April 1, 1995, but does not include property that is eligible business  
6 equipment as defined in section 691, subsection 1. "Eligible property" includes, without  
7 limitation, repair parts, replacement parts, additions, accessions and accessories to other  
8 qualified business property placed in service on or before April 1, 1995 if the part,  
9 addition, accession or accessory is first placed in service, or constitutes construction in  
10 progress, in the State after April 1, 1995, unless such property is eligible business  
11 equipment as defined in section 691, subsection 1. "Eligible property" includes used  
12 qualified business property if the qualified business property was first placed in service in  
13 the State, or constituted construction in progress commenced in the State, after April 1,  
14 1995 and does not qualify for exemption under chapter 105, subchapter 4-C. "Eligible  
15 property" also includes inventory parts.

16       **Sec. A-57. PL 2007, c. 146, §7** is amended to read:

17       **Sec. 7. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 12,  
18 section ~~1891~~ 1890-A, subsection 4 and in order to ensure a certain level of continuity of  
19 service on the Allagash Wilderness Waterway Advisory Council, the ~~Commissioner of~~  
20 ~~Conservation~~ Governor shall, in making the initial appointments for the advisory council,  
21 appoint 2 members to 3-year terms, 2 members to 4-year terms and 2 members to 5-year  
22 terms. ~~The legislative committee approval requirements of Title 12, section 1891,~~  
23 ~~subsection 3 apply to initial and subsequent appointments.~~ An initial term of 3 or 4 years  
24 is considered a full term for purposes of calculating the term limitation in Title 12, section  
25 ~~1891~~ 1890-A, subsection 4.

26       **Sec. A-58. PL 2007, c. 273, Pt. B, §7** is repealed.

27       **Sec. A-59. PL 2007, c. 356, §31** is amended to read:

28       **Sec. 31. Effective dates.** This Act takes effect November 1, 2007, except that the  
29 following sections take effect upon elimination of the Consumer Advisory Board  
30 pursuant to the Maine Revised Statutes, Title 34-B, section 1216, subsection 4:

31       1. ~~Those sections~~ That section of this Act that ~~repeal Title 3, section 959, subsection~~  
32 ~~1, paragraph F, and repeals~~ Title 5, section 12004-I, subsection 61;

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

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

37       **Sec. A-60. PL 2007, c. 377, §17** is amended to read:

**Sec. 17. Effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 34-A, section 1210-B takes effect July 1, 2008. Those sections of this Act that amend Title 4, section 116; Title 4, section 163, subsection 1; Title 30-A, section 1658; and Title ~~34~~ 34-A, section 1214, subsection 1 and subsection 3, paragraph B take effect July 1, 2008.

**Sec. A-61. PL 2007, c. 440, §7, amending clause** is amended to read:

**Sec. 7. 22 MRSA §332**, as amended by PL 2001, c. 710, §9 and affected by §10, is repealed and the following enacted in its place:

## PART B

**Sec. B-1. 7 MRSA §508, sub-§7**, as amended by PL 2005, c. 512, §26, is further amended to read:

**7. Reused food or drugs.** To introduce or deliver for introduction into commerce, or the receipt in commerce and subsequent delivery or proffered delivery for pay or otherwise, of a hazardous substance in a reused food, drug or cosmetic container or in a container that, though not a reused container, is identifiable as a food, drug or cosmetic container by its labeling or other identification. The reuse of a food, drug or cosmetic container as a container for a hazardous substance is an act that results in the hazardous substance being a misbranded package. For the purposes of this subsection and section 509, "drug" has the same meaning as defined in Title 32, section ~~13702~~ 13702-A, subsection ~~9~~ 11.

**Sec. B-2. 10 MRSA §1141, sub-§1**, as enacted by PL 1991, c. 261, is amended to read:

**1. Credit card.** "Credit card" has the same meaning as "accepted credit card," as defined in Title 9-A, section 8-103, subsection 1-A, paragraph A.

**Sec. B-3. 10 MRSA §9041, first ¶**, as amended by PL 1991, c. 714, §4, is further amended to read:

The board shall adopt rules and establish standards as provided by section 9005 9005-A to administer and enforce this subchapter.

**Sec. B-4. 22 MRSA §2383-B, sub-§3, ¶C**, as enacted by PL 1995, c. 499, §3 and affected by §5, is amended to read:

C. "Prescription drugs" has the same meaning as defined in Title 32, section 13702-13702-A, subsection 24 30 and includes so-called legend drugs.

**Sec. B-5. 26 MRSA §682, sub-§8, ¶B**, as enacted by PL 1989, c. 536, §§1 and 2 and affected by c. 604, §§2 and 3, is amended to read:

B. "Drug" has the same meaning as found in Title 32, section ~~13702~~ 13702-A, subsection ~~9~~ 11.

1       **Sec. B-6. 32 MRSA §552, last ¶**, as enacted by PL 2005, c. 262, Pt. A, §4, is  
2 amended to read:

3       The board may waive the examination requirements and grant a license to any  
4 applicant who presents proof of being licensed to practice in another jurisdiction of the  
5 United States or another country whose licensing requirements are considered by the  
6 board to be substantially equivalent to or higher than those set forth in this chapter, if no  
7 cause exists for denial of a license under section ~~503-A~~ 503-B or Title 10, section 8003,  
8 subsection 5-A, paragraph A. The applicant shall pay the required license fee as set  
9 under section 558.

10       **Sec. B-7. 32 MRSA §1071, sub-§1**, as amended by PL 1993, c. 600, Pt. A, §56,  
11 is further amended to read:

12       **1. Membership.** A person is not eligible for appointment to the board who has been  
13 convicted of a violation of the provisions of this or any other prior dental practice act, or  
14 who has been convicted of a crime punishable by more than one year's imprisonment. A  
15 person is not eligible for appointment to the board who has served 10 years or more on a  
16 dental examining board in this State. Appointment of members must comply with Title  
17 10, section ~~60~~ 8009. The Governor may remove a member of the board on proven  
18 charges of inefficiency, incompetence, immorality or unprofessional conduct.

19       **Sec. B-8. 32 MRSA §1301, 2nd ¶**, as amended by PL 1993, c. 600, Pt. A, §103,  
20 is further amended to read:

21       Appointments are for 5-year terms. Appointments of members must comply with  
22 Title 10, section ~~60~~ 8009.

23       **Sec. B-9. 32 MRSA §2151**, as amended by PL 1993, c. 600, Pt. A, §120, is  
24 further amended to read:

25       **§2151. Appointment; term; removal**

26       The State Board of Nursing, as established by Title 5, section 12004-A, subsection  
27 25, consists of 9 members who are appointed by the Governor. A full-term appointment  
28 is for 4 years. Appointment of members must comply with Title 10, section ~~60~~ 8009.  
29 Members of the board may be removed from office for cause by the Governor.

30       **Sec. B-10. 32 MRSA §2415**, as amended by PL 1995, c. 606, §2, is further  
31 amended to read:

32       **§2415. Appointment; tenure; vacancies; removal**

33       The State Board of Optometry, as established by Title 5, section 12004-A, subsection  
34 28 and in this chapter called the "board," consists of 6 persons appointed by the  
35 Governor. Five of the appointees must have been resident optometrists engaged in the  
36 actual practice of optometry in this State for a period of at least 5 years prior to their  
37 appointment and after the 1999 renewal they must hold advanced therapeutic licenses.  
38 One of the appointees must be a consumer member who is a resident of this State and has

1 no pecuniary interest in optometry or in the merchandising of optical products.  
2 Appointment is for a term of 5 years. Appointments of members must comply with Title  
3 10, section ~~60~~ 8009. A member of the board may be removed from office for cause by  
4 the Governor. The board has a common seal.

5 **Sec. B-11. 32 MRSA §3263, first ¶**, as amended by PL 1997, c. 680, Pt. C, §1, is  
6 further amended to read:

7 The Board of Licensure in Medicine, as established by Title 5, section 12004-A,  
8 subsection 24, and in this chapter called the "board," consists of 9 individuals who are  
9 residents of this State, appointed by the Governor. Three individuals must be  
10 representatives of the public. Six individuals must be graduates of a legally chartered  
11 medical college or university having authority to confer degrees in medicine and must  
12 have been actively engaged in the practice of their profession in this State for a  
13 continuous period of 5 years preceding their appointments to the board. A full-term  
14 appointment is for 6 years. Appointment of members must comply with Title 10, section  
15 ~~60~~ 8009. A member of the board may be removed from office for cause by the Governor.

16 **Sec. B-12. 32 MRSA §3651-A, sub-§1**, as amended by PL 2007, c. 402, Pt. P,  
17 §7, is further amended to read:

18 **1. Residency requirement.** An applicant who has graduated after January 1, 1991  
19 from podiatric medical school as set forth in section ~~3651-B~~ 3651-C seeking licensure to  
20 practice podiatry shall provide the board with evidence of satisfactory completion of at  
21 least one year of postgraduate clinical training in a podiatric residency training program  
22 approved by the accrediting body of the American Podiatric Medical Association, or its  
23 successor or other organization approved by the board.

24 **Sec. B-13. 32 MRSA §3651-A, sub-§2**, as amended by PL 2007, c. 402, Pt. P,  
25 §8, is further amended to read:

26 **2. Residency licensure.** A doctor of podiatric medicine who has graduated after  
27 January 1, 1991 from podiatric medical school as set forth in section ~~3651-B~~ 3651-C may  
28 not practice podiatric medicine in a podiatric residency program without first having  
29 applied for and obtained a residency license from the board.

30 A. An applicant for a residency license must be a doctor of podiatric medicine who  
31 is a graduate of a school of podiatry, as set forth in this chapter. An examination is  
32 not required for applicants for residency licensure. The fee for residency licensure is  
33 the same as the fee for licensure for that year. A residency license may be denied for  
34 a reason for which a podiatric medical license may be disciplined under section  
35 ~~3655-A~~ 3656 or Title 10, section 8003, subsection 5-A, paragraph A.

36 B. A residency license is valid only for the practice of podiatric medicine as part of  
37 the postgraduate residency program. A residency license is subject to discipline for a  
38 reason for which a podiatric medical license may be disciplined under section ~~3655-A~~  
39 3656 or Title 10, section 8003, subsection 5-A, paragraph A. If the holder of a  
40 residency license is terminated from or otherwise ceases to be a resident in the

1 postgraduate residency program, the residency license becomes void as of the date  
2 the resident is terminated or ceases to be a resident.

3 C. A residency license is valid for up to one year, and may be renewed annually  
4 before the first day of July of every year, not to exceed an aggregate of 4 years.  
5 Renewal of a residency license is subject to the same requirements and conditions as  
6 the initial residency license.

7 **Sec. B-14. 32 MRSA §6220**, as repealed and replaced by PL 2003, c. 347, §23  
8 and affected by §25, is amended to read:

9 **§6220. Endorsement**

10 The board may waive the requirements of this chapter and grant a registration,  
11 certificate or license to any applicant who presents proof of authorization to practice by  
12 another jurisdiction of the United States or another country that maintains professional  
13 standards considered by the board to be substantially equivalent to or higher than those  
14 set forth in this chapter, as long as there is no cause for denial of a registration, certificate  
15 or license under section ~~6217-A~~ 6217-B or Title 10, section 8003, subsection 5-A,  
16 paragraph A. The applicant must pay the application and license fee as set under section  
17 6215.

18 **Sec. B-15. 32 MRSA §12274, sub-§3**, as amended by PL 2007, c. 402, Pt. Z,  
19 §22, is further amended to read:

20 **3. Discipline.** In any case when the board renders a decision imposing discipline  
21 against a licensee under this section and section ~~12273~~ 12273-A, the board shall examine  
22 its records to determine whether the licensee holds a certificate or a license in any other  
23 state; and, if so, the board shall notify the board of accountancy of that other state of its  
24 decision by mail within 45 days of rendering the decision. The board may also furnish  
25 information relating to proceedings resulting in disciplinary action to other public  
26 authorities and to private professional organizations having a disciplinary interest in the  
27 licensee.

28 **Sec. B-16. 32 MRSA §12278**, as enacted by PL 1987, c. 489, §2, is amended to  
29 read:

30 **§12278. Single act evidence of practice**

31 In any action brought under section ~~12273~~ 12273-A or 12277 or Title 10, section  
32 8003, subsection 5-A, evidence from the commission of a single act prohibited by this  
33 chapter ~~shall be~~ is sufficient to justify a penalty, injunction, restraining order or  
34 conviction, respectively, without evidence of a general course of conduct.

35 **Sec. B-17. 32 MRSA §12279**, as enacted by PL 1987, c. 489, §2, is amended to  
36 read:

1     **§12279. Confidential communications**

2         Except by permission of the client engaging a licensee under this chapter, or the  
3         heirs, successors or personal representatives of that client, a licensee or any partner,  
4         officer, shareholder or employee of a licensee ~~shall~~ may not voluntarily disclose  
5         information communicated to ~~him~~ the licensee, or any partner, officer, shareholder or  
6         employee of the licensee, by the client relating to, and in connection with, services  
7         rendered to the client by the licensee in the practice of public accountancy. That  
8         information ~~shall~~ must be considered confidential, ~~provided that~~ as long as nothing may  
9         be construed as prohibiting the disclosure of information required to be disclosed by the  
10         standards of the public accounting profession in reporting on the examination of financial  
11         statements or as prohibiting disclosures in court proceedings, investigations or  
12         proceedings under section ~~42273~~ 12273-A or Title 10, section 8003, subsection 5-A, in  
13         ethical investigations conducted by private professional organizations or in the course of  
14         quality reviews.

15         **Sec. B-18. 32 MRSA §13795, sub-§5, ¶A**, as enacted by PL 2005, c. 430, §7  
16         and affected by §10, is amended to read:

17         A. If the Director of the Maine Drug Enforcement Agency within the Department  
18         of Public Safety finds that the ease of availability of liquid, liquid-filled capsule or  
19         glycerin matrix forms of products containing ephedrine, pseudoephedrine or  
20         phenylpropanolamine or their salts, isomers or salts of isomers, either alone or in  
21         combination with other ingredients, referred to in this paragraph as "products," is a  
22         threat to the public health, safety and welfare, then the Director of the Maine Drug  
23         Enforcement Agency shall notify the Director of the Office of Substance Abuse. The  
24         Director of the Office of Substance Abuse shall consult with the joint standing  
25         committee of the Legislature having jurisdiction over health and human services  
26         matters, providing the reasons for undertaking rulemaking, and may, after  
27         consultation, adopt rules designating the products as targeted methamphetamine  
28         precursors pursuant to section ~~43702~~ 13702-A, subsection ~~25-B~~ 33, paragraph B.

29         **Sec. B-19. 32 MRSA §13863, sub-§6**, as repealed and replaced by PL 1991, c.  
30         548, Pt. A, §25, is amended to read:

31         **6. Disciplinary action.** Any individual who is registered under this section is  
32         subject to section ~~43864~~ 13861-A.

33         **Sec. B-20. 32 MRSA §15104-B, last ¶**, as enacted by PL 2001, c. 573, Pt. A, §2,  
34         is amended to read:

35         A person who is or will be aggrieved by the application of any law, code or rule  
36         relating to the installation or alteration of boilers and pressure vessels may file a petition  
37         for a variance, whether compliance with that provision is required at the time of filing or  
38         at the time that provision becomes effective. The filing fee for a petition for a variance  
39         must be set by the Director of the Office of Licensing and Registration under section  
40         ~~45109, subsection 9~~ 15104-C. The chief inspector may grant a variance if, owing to  
41         conditions especially affecting the particular boiler or pressure vessel involved, the  
42         enforcement of any law, code or rule relating to boilers or pressure vessels would do

1 manifest injustice or cause substantial hardship, financial or otherwise, to the petitioner or  
2 would be unreasonable under the circumstances, ~~provided that~~ as long as desirable relief  
3 may be granted without substantial detriment to the public good and without nullifying or  
4 substantially derogating from the intent or purpose of that law, code or rule. In granting a  
5 variance under this section, the chief inspector may impose limitations both of time and  
6 of use, and a continuation of the use permitted may be conditioned upon compliance with  
7 rules made and amended from time to time. A copy of the decision must be sent to all  
8 interested parties.

9 **Sec. B-21. 32 MRSA §15108-A**, as amended by PL 2001, c. 323, §35, is further  
10 amended to read:

11 **§15108-A. Boiler and pressure vessel inspectors**

12 The board shall issue a license as a boiler inspector upon payment of an application  
13 fee and license fee under section ~~15109, subsection 9~~ 15104-C set by the director to any  
14 person who files an application and meets the qualifications as specified by rule. The  
15 board shall issue a license as a boiler inspector upon payment of an application fee and  
16 license fee to any person who files an application and holds a certificate as an inspector of  
17 steam boilers from a state that has a standard of licensing equal to that of this State or a  
18 certification from the National Board of Boiler and Pressure Vessel Inspectors, or its  
19 successor organization.

20 **Sec. B-22. 32 MRSA §15117, first ¶**, as amended by PL 2001, c. 573, Pt. A, §5,  
21 is further amended to read:

22 Each boiler or pressure vessel used or proposed for use within this State, except  
23 boilers or pressure vessels exempt under section 15102, must be thoroughly inspected by  
24 the chief inspector, a deputy inspector or an authorized inspector, as to its design,  
25 construction, installation, condition and operation. The board shall adopt rules pursuant to  
26 the Maine Administrative Procedure Act specifying the method and frequency of  
27 inspection. When any boiler or pressure vessel inspected as specified by the board is  
28 found to be suitable and to conform to the rules of the board, the chief inspector shall  
29 issue to the owner or user of that boiler or pressure vessel, upon payment of a fee to the  
30 board, an inspection certificate for each boiler or pressure vessel. The fee under section  
31 ~~15109, subsection 9~~ 15104-C must be set by the director. Inspection certificates must  
32 specify the maximum pressure that the boiler or pressure vessel inspected is allowed to  
33 carry. The inspection certificate may be valid for not more than 14 months from the date  
34 of inspection in the case of boilers and 38 months from the date of inspection in the case  
35 of pressure vessels and must be posted under glass in the engine or boiler room  
36 containing the boiler or pressure vessel or an engine operated by it or, in the case of a  
37 portable boiler, in the office of the plant where it is temporarily located. The board may  
38 adopt rules setting forth criteria by which a temporary extension of an inspection  
39 certificate beyond 14 months in the case of boilers and beyond 38 months in the case of  
40 pressure vessels may be authorized. Rules adopted pursuant to this section are routine  
41 technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

42 **Sec. B-23. 38 MRSA §89**, as amended by PL 1999, c. 355, §9, is further amended  
43 to read:



1    **§89. Maine Pilotage Commission members**

2       The Maine Pilotage Commission, as established by Title 5, section 12004-A,  
3 subsection 40, consists of 7 members who are citizens of the United States and the State  
4 of Maine appointed by the Governor as follows: Three licensed pilots who are actively  
5 piloting, one member from each of the coastal zones; 2 members who are not licensed  
6 pilots but are from a maritime industry that utilizes the services of pilots; and 2 members  
7 representing the public who are not licensed pilots but have a maritime background.  
8 Appointments are for 3-year terms. Appointments of members must comply with Title  
9 ~~32~~ 10, section ~~60~~ 8009. The members of the commission are entitled to compensation  
10 according to Title 5, chapter 379.

11       **Sec. B-24. 39-A MRSA §206, sub-§11**, as amended by PL 2001, c. 60, §1, is  
12 further amended to read:

13       **11. Generic drugs.** Providers shall prescribe generic drugs whenever medically  
14 acceptable for the treatment of an injury or disease for which compensation is claimed.  
15 An employee shall purchase generic drugs for the treatment of an injury or disease for  
16 which compensation is claimed if the prescribing provider indicates that generic drugs  
17 may be used and if generic drugs are available at the time and place of purchase. If an  
18 employee purchases a nongeneric drug when the prescribing provider has indicated that a  
19 generic drug may be used and a generic drug is available at the time and place of  
20 purchase, the insurer or self-insurer is required to reimburse the employee for the cost of  
21 the generic drug only. For purposes of this section, "generic drug" has the same meaning  
22 found in Title 32, section ~~43702~~ 13702-A, subsection ~~44~~ 14.

23       **Emergency clause.** In view of the emergency cited in the preamble, this  
24 legislation takes effect when approved, except as otherwise indicated.

25   **SUMMARY**

26       Part A does the following.

27       Section 1 corrects a numbering problem created by Public Law 2007, chapters 27 and  
28 28, which enacted 2 substantively different provisions with the same section number.

29       Section 2 corrects an error in the laws governing explanations of constitutional  
30 resolutions and statewide referenda by providing that the estimate of the fiscal impact of  
31 resolutions and referenda prepared by the Office of Fiscal and Program Review must  
32 include the aggregate impact that a resolution or referendum has on the amounts  
33 distributed by the State to local units of government.

34       Sections 3 and 4 correct a clerical error by adding a conjunction between 2 lettered  
35 paragraphs and adding a period at the end of a sentence.

36       Section 5 corrects a conflict created by Public Law 2007, chapters 240 and 273,  
37 which affected the same provision of law, by incorporating the changes made by both  
38 laws.

1       Section 6 adds the Maine Public Employees Retirement System to the list of agencies  
2 that the joint standing committee of the Legislature having jurisdiction over labor matters  
3 shall review in 2013. The Maine Public Employees Retirement System is the successor  
4 to the Maine State Retirement System. Public Law 2007, chapter 58 changed the name of  
5 the Maine State Retirement System to the Maine Public Employees Retirement System.

6       Section 7 corrects a conflict created by Public Law 2007, chapters 243 and 457,  
7 which affected the same provision of law, by incorporating the changes made by both  
8 laws.

9       Section 8 corrects a cross-reference to a section that is reallocated in this bill.

10       Section 9 corrects a cross-reference.

11       Section 10 corrects a cross-reference in connection with the reallocation of a  
12 provision of law in this bill.

13       Section 11 corrects a clerical error by adding words that were inadvertently omitted.

14       Section 12 corrects a cross-reference.

15       Sections 13 to 15 correct a numbering problem created by Public Law 2007, chapters  
16 146 and 240, which enacted substantively different provisions with the same section  
17 numbers.

18       Section 16 corrects a conflict created by Public Law 2007, chapters 176 and 240,  
19 which affected the same provision of law, by incorporating the changes made by both  
20 laws.

21       Section 17 corrects a conflict created by Public Law 2007, chapters 201 and 283,  
22 which affected the same provision of law, by incorporating the changes made by both  
23 laws.

24       Section 18 corrects a numbering problem created by Public Law 2007, chapters 168  
25 and 454, which enacted 2 substantively different provisions with the same section  
26 number.

27       Section 19 corrects a conflict created by Public Law 2007, chapters 231 and 323,  
28 which affected the same provision of law, by incorporating the changes made by both  
29 laws, and section 20 provides an effective date of July 1, 2008 for the corrected provision.

30       Section 21 corrects a punctuation and grammatical error.

31       Section 22 corrects a cross-reference and punctuation.

32       Section 23 corrects a cross-reference.

33       Section 24 corrects a conflict created by Public Law 2007, chapters 200 and 466,  
34 which affected the same provision of law, by incorporating the changes made by both  
35 laws.

1       Section 25 corrects a cross-reference.

2       Section 26 corrects a cross-reference.

3       Section 27 repeals the Maine Revised Statutes, Title 21-A, section 1018 to reflect the  
4 intent of Public Law 2007, chapter 443, Part A, section 19.

5       Section 28 corrects a cross-reference.

6       Section 29 corrects a cross-reference.

7       Section 30 corrects a cross-reference.

8       Section 31 corrects a conflict created by Public Law 2007, chapters 136 and 240,  
9 which affected the same provision of law, by incorporating the changes made by both  
10 laws.

11       Section 32 removes an inaccurate cross-reference.

12       Section 33 corrects a numbering problem created by Public Law 2007, chapters 448  
13 and 452, which enacted 2 substantively different provisions with the same section  
14 number.

15       Section 34 corrects a numbering problem created by Public Law 2007, chapters 448  
16 and 452, which enacted 2 substantively different provisions with the same section  
17 number.

18       Section 35 corrects a conflict created by Public Law 2003, chapter 414, which made  
19 technical changes and corrected cross-references in the Maine Revised Statutes, Title 25,  
20 section 2001 and chapter 452, which repealed Title 25, section 2001. This section  
21 corrects the conflict by repealing Title 25, section 2001.

22       Section 36 corrects a conflict created by Public Law 2007, chapters 357 and 415,  
23 which affected the same provision of law, by incorporating the changes made by both  
24 laws.

25       Section 37 corrects a cross-reference.

26       Section 38 corrects a numbering problem created by Public Law 2007, chapters 229  
27 and 456, which enacted 2 substantively different provisions of law with the same section  
28 number.

29       Section 39 corrects a cross-reference.

30       Section 40 corrects a cross-reference.

31       Section 41 corrects a cross-reference and corrects a grammatical error.

32       Section 42 corrects a conflict created by Public Law 2007, chapters 398 and 402,  
33 which affected the same provision of law, by incorporating the changes made by both  
34 laws.

1       Section 43 corrects a conflict created by Public Law 2007, chapters 384 and 402,  
2       which affected the same provision of law, by incorporating the changes made by both  
3       laws. It also corrects a clerical error and a grammatical error.

4       Section 44 corrects a conflict created by Public Law 2007, chapters 384 and 402,  
5       which affected the same provision of law, by incorporating the changes made by both  
6       laws.

7       Sections 45 and 46 correct a formatting error.

8       Section 47 corrects a numbering problem created by Public Law 2007, chapters 152  
9       and 240, which enacted 2 substantively different provisions with the same section  
10      number.

11      Section 48 corrects a clerical error.

12      Section 49 corrects a conflict created by Public Law 2007, chapters 425 and 438,  
13      which affected the same provision of law, by incorporating the changes made by both  
14      laws.

15      Section 50 corrects a conflict created by Public Law 2007, chapters 435 and 437,  
16      which affected the same provision of law, by incorporating the changes made by both  
17      laws.

18      Section 51 corrects a numbering problem created by Public Law 2007, chapters 429  
19      and 438, which enacted 2 substantively different provisions with the same section  
20      number.

21      Section 52 corrects a conflict created by Public Law 2007, chapters 410 and 444,  
22      which affected the same provision of law, by incorporating the changes made by both  
23      laws.

24      Section 53 corrects a conflict created by Public Law 2007, chapters 240 and 437,  
25      which affected the same provision of law, by incorporating the changes made by both  
26      laws.

27      Section 54 corrects a conflict created by Public Law 2007, chapters 240 and 427,  
28      which affected the same provision of law, by incorporating the changes made by both  
29      laws.

30      Section 55 corrects a cross-reference.

31      Section 56 corrects a conflict created by Public Law 2007, chapters 372 and 437,  
32      which affected the same provision of law, by incorporating the changes made by both  
33      laws.

34      Section 57 corrects the provision of law that provides for staggered terms for the  
35      Allagash Wilderness Waterway Advisory Council to reflect the appointment  
36      requirements for the council. This section also corrects cross-references to a section  
37      reallocated in this bill.

1       Section 58 removes an ineffective effective date provision since Public Law 2007,  
2 chapter 273 was not an emergency enactment.

3       Section 59 changes an effective date section to clarify which sections of Public Law  
4 2007, chapter 356 are amended and which one has been repealed and when the changes  
5 made by the public law take effect.

6       Section 60 corrects a cross-reference.

7       Section 61 corrects an amending clause.

8       Part B corrects cross-references pursuant to Public Law 2007, chapter 273, Part A,  
9 section 38 and chapter 402, Part OO, section 1.