

# MAINE STATE LEGISLATURE

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L.D. 1536

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**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1103, L.D. 1536, Bill, "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill in Part A by striking out all of sections 1, 3, 7, 8, 15, 17, 21, 22, 27, 32, 33, 34, 36, 40 and 41.

Amend the bill by striking out all of Parts B, C and D and inserting the following:

**'PART B**

**Sec. B-1. 5 MRSA §17806, sub-§1, ¶A**, as amended by PL 2011, c. 380, Pt. T, §10 and affected by §26, is further amended to read:

A. Except as provided in paragraph A-1, whenever there is a percentage increase in the Consumer Price Index from July 1st to June 30th, the board shall automatically make an equal percentage increase in retirement benefits, beginning in September, up to a maximum annual increase of 3%. Effective July 1, 2011, the increase applies to that portion of the retirement benefit, up to \$20,000, which amount must be indexed in subsequent years by the same percentage adjustments granted under this paragraph.

**Sec. B-2. 13 MRSA §1506** is repealed.

**Sec. B-3. 15 MRSA §103, 2nd ¶**, as enacted by PL 2009, c. 268, §4, is amended to read:

When a person who has been evaluated on behalf of a court by the State Forensic Service is committed into the custody of the Commissioner of Health and Human Services pursuant to this section, the court shall order that the State Forensic Service share any information it has collected or generated with respect to the person with the institution or residential program in which the person is placed.

**Sec. B-4. 15 MRSA §3206**, as amended by PL 2011, c. 336, §2, is further amended to read:

**COMMITTEE AMENDMENT**

1       **§3206. Detention of juveniles**

2           A person under 18 years of age who is arrested for a crime defined under Title 12 or  
3 Title 29-A that is not a juvenile crime as defined in section 3103 is not subject to chapter  
4 105-A and may not be detained unless a juvenile community corrections officer has been  
5 notified within 2 hours after the person's arrest and the juvenile community corrections  
6 officer or attorney for the State has approved the detention. Section 3203-A, subsection  
7 7, paragraphs A and B governing the facilities in which juveniles may be detained apply  
8 to any detention of such a juvenile following arrest, and section 3203-A, subsection 7 4,  
9 paragraph C applies to the decision whether to release or further detain the juvenile.

10       **Sec. B-5. 19-A MRSA §651, sub-§2**, as amended by PL 2011, c. 511, §1 and IB  
11 2011, c. 1, §3, is repealed and the following enacted in its place:

12       **2. Application.** The parties wishing to record notice of their intentions of marriage  
13 shall submit an application for recording notice of their intentions of marriage. The  
14 application may be issued to any 2 persons otherwise qualified under this chapter  
15 regardless of the sex of each person. The application must include a signed certification  
16 that the information recorded on the application is correct and that the applicant is free to  
17 marry according to the laws of this State. The applicant's signature must be  
18 acknowledged before an official authorized to take oaths. An application recording  
19 notice of intention to marry is not open for public inspection for 50 years from the date of  
20 the application except that:

21           A. The names of the parties for whom intentions to marry are filed and the intended  
22 date of marriage are public records and open for public inspection; and

23           B. A person with a researcher identification card under Title 22, section 2706,  
24 subsection 8 is permitted to inspect records and may be issued a noncertified copy of  
25 an application.

26       **Sec. B-6. 19-A MRSA §907, 2nd ¶**, as enacted by PL 1995, c. 694, Pt. B, §2 and  
27 affected by Pt. E, §2, is amended to read:

28           The validity of a custody determination contained in or ancillary to a valid divorce  
29 decree granted by another state is governed by the Uniform Child Custody Jurisdiction  
30 and Enforcement Act.

31       **Sec. B-7. 19-A MRSA §1654, 2nd ¶**, as enacted by PL 1995, c. 694, Pt. B, §2  
32 and affected by Pt. E, §2, is amended to read:

33           The jurisdiction granted by this section is limited by the Uniform Child Custody  
34 Jurisdiction and Enforcement Act, if another state may have jurisdiction as provided in  
35 that Act.

36       **Sec. B-8. 19-A MRSA §4014, sub-§1**, as amended by PL 2001, c. 240, §3, is  
37 further amended to read:

38           **1. Rules establishing standards and procedures for certification.** The  
39 Department of Corrections, referred to in this section as the "department," shall adopt  
40 rules pursuant to the Maine Administrative Procedure Act, in consultation with the Maine  
41 Commission on Domestic and Sexual Abuse, that establish standards and procedures for  
42 certification of batterers' intervention programs. The department, in consultation with the

1 commission, shall review and certify programs that meet the standards. Rules adopted  
2 pursuant to this subsection are ~~major-substantive~~ routine technical rules ~~pursuant to as~~  
3 defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

4 **Sec. B-9. 22 MRSA §335, sub-§5-A, ¶I**, as amended by PL 2011, c. 648, §9, is  
5 further amended to read:

6 I. Except with regard to a project related to nursing facility services, or a project that  
7 qualifies for a simplified review process under section 336, ~~the commissioner may~~  
8 ~~require~~ a written assessment by the Superintendent of Insurance of the impact of the  
9 project on the cost of insurance in the region and the State when required by the  
10 commissioner. The superintendent may request additional information from the  
11 applicant for the purpose of reviewing the application. Any such request must be  
12 transmitted through the department and becomes part of the official record. The  
13 applicant shall respond to the request within 30 days. Any such response must be  
14 transmitted through the department and becomes part of the official record. The  
15 inability of the superintendent to complete the review of the application due to the  
16 failure of the applicant to respond timely must be noted in the superintendent's  
17 assessment filed with the department and may be cause for the commissioner to deny  
18 approval of the project.

19 **Sec. B-10. 30-A MRSA §4349-A, sub-§1, ¶C**, as amended by PL 2011, c. 542,  
20 Pt. A, §54 and c. 655, Pt. JJ, §22 and affected by §41, is repealed and the following  
21 enacted in its place:

22 C. Areas other than those described in paragraph A or B for the following projects:

23 (1) A project related to a commercial or industrial activity that, due to its  
24 operational or physical characteristics, typically is located away from other  
25 development, such as an activity that relies on a particular natural resource for its  
26 operation;

27 (2) An airport, port or railroad or industry that must be proximate to an airport, a  
28 port or a railroad line or terminal;

29 (3) A pollution control facility;

30 (4) A project that maintains, expands or promotes a tourist or cultural facility  
31 that is required to be proximate to a specific historic, natural or cultural resource  
32 or a building or improvement that is related to and required to be proximate to  
33 land acquired for a park, conservation, open space or public access or to an  
34 agricultural, conservation or historic easement;

35 (5) A project located in a municipality that has none of the geographic areas  
36 described in paragraph A or B and that prior to January 1, 2000 formally  
37 requested but had not received from the former State Planning Office funds to  
38 assist with the preparation of a comprehensive plan or that received funds from  
39 the department to assist with the preparation of a comprehensive plan within the  
40 previous 2 years. This exception expires for a municipality 2 years after such  
41 funds are received; or



1 A. To any person if the person receiving services, that person's legal guardian, if any,  
2 and, if that person is a minor, that person's parent or legal guardian give informed  
3 written consent to the disclosure of the documents referred to in this subsection after  
4 being given the opportunity to review the documents sought to be disclosed;

5 B. To any state agency if necessary to carry out the statutory functions of that  
6 agency;

7 C. If ordered by a court of record, subject to any limitation in the Maine Rules of  
8 Evidence, Rule 503;

9 D. To any criminal justice agency if necessary to carry out the administration of  
10 criminal justice or the administration of juvenile criminal justice or for criminal  
11 justice agency employment;

12 E. To persons engaged in research if:

13 (1) The research plan is first submitted to and approved by the commissioner;

14 (2) The disclosure is approved by the commissioner; and

15 (3) Neither original records nor identifying data are removed from the facility or  
16 office that prepared the records.

17 The commissioner and the person doing the research shall preserve the anonymity of  
18 the person receiving services from the department and may not disseminate data that  
19 refer to that person by name or number or in any other way that might lead to the  
20 person's identification;

21 F. To persons who directly supervise or report on the health, behavior or progress of  
22 a juvenile, to the superintendent of a juvenile's school and the superintendent's  
23 designees and to agencies that are or might become responsible for the health or  
24 welfare of a juvenile if the information is relevant to and disseminated for the  
25 purpose of creating or maintaining an individualized plan for the juvenile's  
26 rehabilitation, including reintegration into the school; or

27 G. To any state agency engaged in statistical analysis for the purpose of improving  
28 the delivery of services to persons who are or might become mutual clients if:

29 (1) The plan for the statistical analysis is first submitted to and approved by the  
30 commissioner; and

31 (2) The disclosure is approved by the commissioner.

32 The commissioner and the state agency requesting the information shall preserve the  
33 anonymity of the persons receiving services from the department and may not  
34 disseminate data that refer to any person by name or number or that in any other way  
35 might lead to a person's identification.

36 Notwithstanding any other provision of law, the department may release the names, dates  
37 of birth and social security numbers of persons receiving services from the department  
38 and, if applicable, eligibility numbers and the dates on which those persons received  
39 services to any state or federal agency for the sole purpose of determining eligibility and  
40 billing for services and payments under federally funded programs administered by the

1 agency. The department may also release to the agency information required for and to be  
2 used solely for audit or research purposes, consistent with federal law, for those services  
3 provided by or through the department. Agency personnel shall treat this information as  
4 confidential in accordance with federal and state law and shall return the records when  
5 their purpose has been served.

6 **Sec. B-14. 35-A MRSA §10103, sub-§2, ¶A**, as amended by PL 2011, c. 637,  
7 §2 and c. 655, Pt. MM, §18 and affected by §26, is repealed and the following enacted in  
8 its place:

9 A. The board consists of the following 9 voting members:

10 (1) The Director of the Governor's Energy Office;

11 (2) The director of the Maine State Housing Authority; and

12 (3) Seven members appointed by the Governor, reviewed by the joint standing  
13 committee of the Legislature having jurisdiction over energy matters and  
14 approved by the Senate. Among these 7 members must be persons who  
15 adequately represent the interests of commercial energy consumers, industrial  
16 energy consumers, small business energy consumers, residential energy  
17 consumers and low-income energy consumers; among these members must be  
18 persons with knowledge of and experience in financial matters and consumer  
19 advocacy and who possess substantial management expertise or knowledge of or  
20 experience with conservation fund programs, carbon reduction programs or  
21 energy efficiency or climate change policy. The requirements of this  
22 subparagraph may be met through the appointment of one or more persons who  
23 satisfy more than one of the requirements, as long as at any one time the 7  
24 members include among them members who adequately represent the identified  
25 interests and who possess the required knowledge, expertise and experience.

26 Appointed trustees serve 3-year terms. If an appointed trustee is unable to  
27 complete the term, the Governor shall appoint a replacement for the remainder of  
28 the unexpired term.

## 29 PART C

30 **Sec. C-1. Resolve 2013, c. 22, §3, amended. Resolved:** That Resolve 2013, c.  
31 22, §3 is amended to read:

32 **Sec. 3. Working group; members. Resolved:** That the Executive Director of  
33 Jobs for Maine's Graduates shall invite the following organizations to appoint  
34 representatives of their organizations to serve as members of the working group under  
35 this resolve:

- 36 1. Maine Association for Career and Technical Education;
- 37 2. Maine State Chamber of Commerce;
- 38 3. Maine Restaurant Association;
- 39 4. Associated Builders and Contractors of Maine; and





1 Section 4 amends the Maine Juvenile Code to correct a cross-reference concerning  
2 the decision whether to release or further detain a juvenile arrested for a crime under Title  
3 12 or Title 29-A.

4 Section 5 corrects a conflict created by Initiated Bill 2011, chapter 1, section 3 and  
5 Public Law 2011, chapter 511, section 1, which affected the same provision of law, by  
6 incorporating the changes made by both laws concerning applications for recording  
7 notice of intention of marriage.

8 Sections 6 and 7 correct cross-references to the Uniform Child Custody Jurisdiction  
9 and Enforcement Act. Public Law 1999, chapter 486 repealed the Uniform Child  
10 Custody Jurisdiction Act and replaced it with the Uniform Child Custody Jurisdiction and  
11 Enforcement Act.

12 Section 8 amends the protection from abuse statutes concerning batterers'  
13 intervention programs. Resolve 2013, chapter 3 provides for immediate changes to the  
14 rules governing batterers' intervention programs in response to a court decision that  
15 identified an unconstitutional regulatory scheme. The rules are designated as major  
16 substantive rules in Title 19-A, section 4014, subsection 1. Resolve 2013, chapter 3  
17 provided that, notwithstanding Title 19-A, section 4014, subsection 1, all rules or  
18 amendments to rules on the subject of the certification of batterers' intervention programs  
19 are considered routine technical rules. Section 8 amends Title 19-A, section 4014,  
20 subsection 1 to be consistent with Resolve 2013, chapter 3.

21 Section 9 replaces Part A, section 15 of the bill. It clarifies that elements of the  
22 record of the certificate of need application process include the actuarial analysis  
23 undertaken by the Superintendent of Insurance when the analysis is required by the  
24 Commissioner of Health and Human Services.

25 Section 10 corrects a conflict created by Public Law 2011, chapters 542 and 655,  
26 which affected the same provision of law, by incorporating the changes made by both  
27 laws concerning growth management programs and capital investments.

28 Section 11 corrects a clerical error in Title 32, section 4693, subsection 2, which  
29 provides 2 options for the notice that must be included in the disclosure statement that is  
30 required to be made to a consumer purchasing a business opportunity in this State. The  
31 first option applies when the seller has secured a surety bond from a surety company, and  
32 the 2nd option applies when the seller has established an escrow account at a licensed  
33 bank or savings institute. The current law regarding the 2nd option erroneously contains  
34 a reference to a surety company. This section corrects that reference so that it refers to a  
35 licensed bank or savings institute.

36 Section 12 corrects a statutory reference to the definition of "public member" in the  
37 law governing the State Board of Social Worker Licensure.

38 Section 13 corrects a conflict created by Public Law 2011, chapters 515 and 662,  
39 which amended Title 34-A, section 1216, subsection 1 in 2 different ways by  
40 incorporating the changes made by both public laws concerning limited disclosure of  
41 records of persons receiving services from the Department of Corrections.

1 Section 14 corrects a conflict created by Public Law 2011, chapters 637 and 655,  
2 which affected the same provision of law, by incorporating the changes made by both  
3 laws concerning the membership of the Efficiency Maine Trust Board.

4 **PART C**

5  
6 Part C of the amendment does the following.

7 Section 1 amends Resolve 2013, chapter 22 to delete the required membership of a  
8 specific private corporation in a working group on applied learning opportunities in  
9 elementary schools and middle schools.

10 Section 2 provides authority for the Secretary of State to accept a filing to change the  
11 assumed name of a limited liability company without fee if the limited liability company  
12 had filed a statement between July 1, 2011 and May 3, 2013 for use of an assumed name  
13 containing certain required terms or abbreviations. A fee will not be charged if the new  
14 assumed name is the same as filed but without the required term or abbreviation. The  
15 new filing for change of name must be made on or before October 1, 2013 to avoid the  
16 fee.

17