

MAINE STATE LEGISLATURE

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L.D. 1643

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Date: 4/13/16

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5

STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

127TH LEGISLATURE

8

SECOND REGULAR SESSION

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10

COMMITTEE AMENDMENT "A" to H.P. 1118, L.D. 1643, Bill, "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

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Amend the bill by inserting after the enacting clause and before section 1 the following:

13

'PART A'

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Amend the bill by striking out all of section 6 (page 2, lines 20 to 32 in L.D.) and inserting the following:

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'Sec. 6. 12 MRSA §11108, sub-§1, as amended by PL 2015, c. 281, Pt. E, §3 and c. 301, §11, is repealed and the following enacted in its place:

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1. On certain land. Notwithstanding section 11109, subsection 1 as it applies to this subchapter, and subject to all other applicable laws and rules, a resident and a member of the resident's immediate family, as long as the hunter's license to hunt is not under suspension or revocation, may hunt without a license, including, but not limited to, an archery hunting license, a crossbow permit and a muzzle-loading permit, on a single plot of land:

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A. To which they are legally entitled to possession;

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B. On which they are actually domiciled;

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C. That is used exclusively for agricultural purposes; and

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D. That is in excess of 10 acres.'

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Amend the bill in section 9 in subsection 8 in the first paragraph in the last line (page 3, line 21 in L.D.) by striking out the following: "those data are" and inserting the following: 'data are'

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Amend the bill in section 25 in subsection 4 in the 2nd line (page 7, line 22 in L.D.) by striking out the following: "must" and inserting the following: 'shall'

COMMITTEE AMENDMENT

1 Amend the bill by striking out all of section 31 (page 8, line 36 and page 9, lines 1 to
2 19 in L.D.)

3 Amend the bill in section 40 in paragraph B by striking out all of subparagraphs (1)
4 and (2) (page 11, lines 1 to 6 in L.D.) and inserting the following:

5 '(1) Target at least 10% of funds for electricity conservation collected under
6 former subsection 4 or subsection 4-A or \$2,600,000, whichever is greater, to
7 programs for low-income residential consumers, as defined by the board by rule;

8 (2) Target at least 10% of funds for electricity conservation collected under
9 former subsection 4 or subsection 4-A or \$2,600,000, whichever is greater, to
10 programs for small business consumers, as defined by the board by rule; and'

11 Amend the bill by striking out all of section 47 (page 12, lines 34 to 37 in L.D) and
12 inserting the following:

13 '**Sec. 47. 36 MRSA §5125, sub-§3, ¶D**, as amended by PL 2015, c. 267, Pt. DD,
14 §16 and c. 340, §1, is repealed and the following enacted in its place:

15 D. Reduced by any amount attributable to interest or expenses incurred in the
16 production of income exempt from tax under this Part; and'

17 Amend the bill by striking out all of section 51 (page 13, lines 37 to 42 in L.D.)

18 Amend the bill by inserting after section 52 the following:

19 **'PART B**

20 **Sec. B-1. 5 MRSA §13070-J, sub-§1, ¶E**, as enacted by PL 1999, c. 768, §1, is
21 amended to read:

22 E. "Economic development proposal" means proposed legislation that establishes a
23 new program or that expands an existing program that:

24 (1) Is intended to encourage significant business expansion or retention in the
25 State; and

26 (2) Contains a tax expenditure, as defined in section ~~4664~~ 1666, or a budget
27 expenditure with a cost that is estimated to exceed \$100,000 per year.

28 **Sec. B-2. 30-A MRSA §4741, sub-§17**, as amended by PL 1993, c. 175, §7, is
29 further amended to read:

30 **17. Comprehensive housing affordability strategy coordinator.** The Maine State
31 Housing Authority is designated the comprehensive housing affordability strategy
32 coordinator for the State and has the power to prepare and submit on behalf of the State
33 the annual comprehensive housing affordability strategy called for in the Cranston-
34 Gonzalez National Affordable Housing Act, Public Law 101-625 (1990) and to undertake
35 all monitoring and certification procedures required under that law. The Maine State
36 Housing Authority shall represent the State in carrying out the HOME Investment
37 Partnerships Program created by the Cranston-Gonzalez National Affordable Housing
38 Act; and

1 **Sec. B-3. 30-A MRSA §4741, sub-§18**, as amended by PL 2007, c. 562, §6, is
2 further amended to read:

3 **18. State designee for homeless programs.** The Maine State Housing Authority is
4 designated the coordinating agency for the State for programs dealing with homeless
5 persons and may apply for, receive, distribute and administer federal, state and other
6 funds on behalf of the State for homeless programs including, without limitation, the
7 Emergency Community Services Homeless Grant Program and the programs authorized
8 pursuant to the federal Stewart B. McKinney Homeless Assistance Act, Public Law 100-
9 77, (1987), as amended; and

10 **Sec. B-4. 30-A MRSA §4741, sub-§19** is enacted to read:

11 **19. State designee for National Housing Trust Fund.** The Maine State Housing
12 Authority is designated as the entity to receive and allocate funds from the National
13 Housing Trust Fund established by the federal Housing and Economic Recovery Act of
14 2008.

15 **Sec. B-5. 36 MRSA §5122, sub-§1, ¶JJ**, as amended by PL 2015, c. 388, Pt. A,
16 §4, is amended to read:

17 JJ. For tax years beginning on or after January 1, 2016, an amount equal to the
18 taxpayer base multiplied by the following fraction:

19 (1) For single individuals and married persons filing separate returns, the
20 numerator is the taxpayer's Maine adjusted gross income less \$70,000, except
21 that the numerator may not be less than zero, and the denominator is \$75,000. In
22 no case may the fraction contained in this subparagraph produce a result that is
23 more than one. The \$70,000 amount used to calculate the numerator in this
24 subparagraph must be adjusted for inflation in accordance with section 5403,
25 subsection 3 4;

26 (2) For individuals filing as heads of households, the numerator is the taxpayer's
27 Maine adjusted gross income less \$105,000, except that the numerator may not
28 be less than zero, and the denominator is \$112,500. In no case may the fraction
29 contained in this subparagraph produce a result that is more than one. The
30 \$105,000 amount used to calculate the numerator in this subparagraph must be
31 adjusted for inflation in accordance with section 5403, subsection 3 4; or

32 (3) For individuals filing married joint returns or surviving spouses, the
33 numerator is the taxpayer's Maine adjusted gross income less \$140,000, except
34 that the numerator may not be less than zero, and the denominator is \$150,000.
35 In no case may the fraction contained in this subparagraph produce a result that is
36 more than one. The \$140,000 amount used to calculate the numerator in this
37 subparagraph must be adjusted for inflation in accordance with section 5403,
38 subsection 3 4.

39 For purposes of this paragraph, "taxpayer base" means either the taxpayer's
40 applicable standard deduction amount for the taxable year determined under section
41 5124-B or, if itemized deductions are claimed, the taxpayer's itemized deductions
42 claimed for the taxable year determined under section 5125; and

1 Revised Statutes, Title 36, section 2892 must be terminated within 30 days of notification
2 by the United States Department of Health and Human Services that all or a part of the
3 hospital payment modifications funded under section 8 of this Part are disapproved
4 hospital reimbursements under the State's Medicaid program. The Department of Health
5 and Human Services shall notify the joint standing committee of the Legislature having
6 jurisdiction over health and human services matters, the Secretary of State, the Secretary
7 of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes if the
8 notification is received.

9 **Sec. C-7. PL 2015, c. 38, §3** is amended to read:

10 **Sec. 3. Contingent effective date.** This Act takes effect only upon the receipt by
11 the Finance Authority of Maine Loan Insurance Reserve Fund of an appropriation,
12 allocation or other funding source in the amount of at least \$37,000,000. When the
13 contingency under this section is met, the Finance Authority of Maine shall notify the
14 Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives
15 and the Revisor of Statutes that it has been met.

16 **Sec. C-8. PL 2015, c. 224, §2** is amended to read:

17 **Sec. 2. Contingent effective date.** This Act takes effect only upon the receipt by
18 the Economic Recovery Program Fund of an appropriation, an allocation or funds from
19 another funding source in the amount of at least \$13,000,000. When the contingency
20 under this section is met, the Finance Authority of Maine shall notify the Secretary of
21 State, the Secretary of the Senate, the Clerk of the House of Representatives and the
22 Revisor of Statutes that it has been met.

23 **PART D**

24 **Sec. D-1. 8 MRSA §1017, sub-§1,** as amended by PL 2013, c. 212, §22, is
25 further amended to read:

26 **1. Form.** An application for a license required under this chapter must be on the
27 form provided by the board. The application must contain, but is not limited to, the
28 following information regarding the individual applicant and each key ~~employee~~
29 executive, officer, director, partner, shareholder, creditor, associate or owner of any legal
30 or beneficial interest in a person applying for a license:

31 A. Full name;

32 B. Full current address and addresses for the prior 15 years;

33 C. A record of previous issuances and denials of or any adverse action taken against
34 a gambling-related license or application under this chapter or in any other
35 jurisdiction. For purposes of this paragraph, "adverse action" includes, but is not
36 limited to, a condition resulting from an administrative, civil or criminal violation, a
37 suspension or revocation of a license or a voluntary surrender of a license to avoid or
38 resolve a civil, criminal or disciplinary action;

39 D. All information the board determines is necessary or appropriate to determine
40 whether the applicant satisfies the qualifications specified in section 1016,
41 subsections 1 and 1-A; and

1 E. Any information the board by rule considers necessary.

2 **Sec. D-2. 12 MRSA §11109, sub-§3**, as amended by PL 2015, c. 127, §§1 and 2
3 and affected by §6 and amended by c. 245, §2, c. 281, Pt. E, §4 and c. 301, §13, is
4 repealed and the following enacted in its place:

5 **3. Hunting licenses; combination licenses; fees.** Hunting licenses, combination
6 licenses and fees are as follows.

7 A. A resident junior hunting license, for a person under 16 years of age, is \$8 and
8 permits hunting of all legal species, subject to the permit requirements in subchapter
9 3. Notwithstanding the permit fees established in subchapter 3, a resident junior
10 hunting license includes all permits, stamps and other permissions needed to hunt at
11 no additional cost. A license holder under this paragraph who qualifies to hunt
12 during the special season on deer under section 11153 and who meets the eligibility
13 requirements of section 11106 must be issued one antlerless deer permit and one
14 either-sex permit. A resident junior hunting license does not exempt the holder of the
15 license from lottery-related application requirements under this Part.

16 B. A resident hunting license, for a person 16 years of age or older, is \$26 and
17 permits hunting of all legal species, subject to the permit requirements in subchapter
18 3.

19 C. A resident small game hunting license, for a person 16 years of age or older,
20 which permits hunting for all legal species except deer, bear, moose, raccoon and
21 bobcat, is \$15.

22 D. A resident combination hunting and fishing license is \$43 and permits hunting of
23 all legal species, subject to the permit requirements in subchapter 3.

24 E. A resident combination archery hunting and fishing license is \$43 and permits
25 hunting of all legal species, subject to the permit requirements in subchapter 3.

26 E-1. A resident apprenticeship hunter license, which includes a bear hunting permit
27 and a wild turkey hunting permit under sections 11151 and 11155, respectively, is
28 \$26 and permits hunting of all legal species, subject to the permit requirements in
29 subchapter 3.

30 F. A nonresident junior hunting license, for a person under 16 years of age, is \$35
31 and permits hunting of all legal species, subject to the permit requirements in
32 subchapter 3. Notwithstanding the permit fees established in subchapter 3, a
33 nonresident junior hunting license includes all permits, stamps and other permissions
34 needed to hunt at no additional cost. A license holder under this paragraph who
35 qualifies to hunt during the special season on deer under section 11153 and who
36 meets the eligibility requirements of section 11106 must be issued one antlerless deer
37 permit and one either-sex permit. A nonresident junior hunting license does not
38 exempt the holder of the license from lottery-related application requirements under
39 this Part.

40 G. A nonresident small game hunting license, which permits hunting of all legal
41 species except deer, bear, moose, raccoon and bobcat, is \$75.

1 H. A nonresident 3-day small game hunting license, valid for 3 consecutive hunting
2 days, which permits hunting of all legal species except deer, bear, moose, raccoon
3 and bobcat for the 72-hour period specified on the license, is \$50.

4 I. A nonresident hunting license, which permits hunting of all legal species subject to
5 the permit requirements in subchapter 3, is \$115.

6 J. A nonresident combination hunting and fishing license is \$150.

7 K. An alien small game hunting license, which permits hunting of all species except
8 deer, bear, moose, raccoon and bobcat, is \$80.

9 L. An alien hunting license, which permits hunting of all legal species subject to the
10 permit requirements in subchapter 3, is \$140.

11 M. An alien combination hunting and fishing license is \$191.

12 O. A nonresident small game apprenticeship hunter license, which permits the
13 hunting of all legal species except deer, bear, moose, raccoon and bobcat, is \$75.

14 P. A nonresident apprenticeship hunter license, which permits the hunting of all legal
15 species and includes a bear hunting permit and a wild turkey hunting permit under
16 sections 11151 and 11155, respectively, is \$115.

17 **Sec. D-3. 22 MRSA §1812-J, sub-§7**, as repealed and replaced by PL 2015, c.
18 299, §17, is amended to read:

19 **7. Prohibited employment based on disqualifying offenses.** An employer who
20 employs an unlicensed assistive person to provide direct access services shall conduct a
21 comprehensive background check in accordance with state law and rules adopted by the
22 department and is subject to the employment restrictions set out in section 1812-G and
23 other applicable federal and state laws. The employer is subject to penalties for
24 employing a disqualified or otherwise ineligible person in accordance with applicable
25 federal or state laws.

26 ~~An employment ban based on a disqualifying offense is a lifetime employment ban.~~

27 **Sec. D-4. 22 MRSA §2501, first ¶**, as amended by PL 2013, c. 264, §7, is further
28 amended to read:

29 Private homes are not deemed or considered lodging places and subject to a license
30 when not more than 5 rooms are let; such private homes must post in a visible location in
31 each rented room a card with the following statement in text that is easily readable in no
32 less than 18-point boldface type of uniform font "This lodging place is not regulated by
33 the State of Maine Department of Health and Human Services, Maine Center for Disease
34 Control and Prevention." The homes must provide guests upon check-in with a notice
35 containing the same information. A license is not required from vacation rentals, ~~youth~~
36 ~~camp~~, dormitories of charitable, educational or philanthropic institutions or fraternity
37 and sorority houses affiliated with educational institutions, or ~~from~~ private homes used in
38 emergencies for the accommodation of persons attending conventions, fairs or similar
39 public gatherings, nor from temporary eating establishments and temporary lodging
40 places for the same, nor from railroad dining or buffet cars, nor from construction camps,
41 nor from boarding houses and camps conducted in connection with wood cutting and

1 logging operations, nor from any boarding care facilities or children's homes that are
2 licensed under section 7801.

3 **Sec. D-5. 22 MRSA §5114, sub-§2**, as amended by PL 2015, c. 332, §§1 and 2,
4 is further amended to read:

5 **2. Social services.** "Social services" means any of the following services ~~which~~ that
6 meet such standards as the ~~director~~ commissioner may prescribe:

7 A. Health services, including health aides, home care, homemakers, home repair and
8 chore service and community care including counseling, information and referral
9 services, continuing education, recreation and volunteer services;

10 B. Transportation, ~~where~~ when necessary to facilitate access to social services, with
11 priority given to health services including hospitals, physician care, bona fide clinics,
12 prescription drugs and other essential medications, meals programs and food
13 distribution centers; and with priority given to income producing and supplement
14 programs including social security, supplemental security and tax refunds;

15 C. Meals programs, ~~which~~ that provide at least one hot meal per day and any
16 additional meals, hot or cold, ~~which~~ that the recipient of a grant or contract may elect
17 to provide, each of which assures a minimum of 1/3 of the daily recommended
18 dietary allowances as established by the Food and Nutrition Board of the National
19 Academy of Science -- National Research Council, and ~~which provides~~ that provide
20 such meals programs for individuals aged 60 and over and their spouses at sites close
21 to the individual's residence; and where appropriate to furnish transportation to such
22 site or home-delivered meals to homebound older people; and to administer such
23 meals programs in accordance with the appropriate and pertinent portions of the
24 "nutrition and other program requirements" of the National Nutrition Program for the
25 Elderly;

26 D. Services designed to encourage and assist older persons to use facilities and
27 services available to them;

28 E. Services designed to assist older persons to obtain adequate housing;

29 F. Services designed to assist older persons in avoiding institutionalization, including
30 evaluation and screening and home health services;

31 G. Any other services necessary for the general well-being of older persons; or

32 H. Services designed to assist older persons with maintaining their financial
33 independence and avoiding financial exploitation, including personal financial
34 management assistance.

35 **Sec. D-6. 22 MRSA §5115, 3rd and 4th ¶¶**, as enacted by PL 1973, c. 630, §1,
36 are amended to read:

37 The number of persons aged 60 or over in the geographical boundaries of the area
38 served by any area agency and in the entire State ~~shall~~ must be determined by the ~~director~~
39 commissioner on the basis of the most recent and satisfactory data available to ~~him~~ the
40 commissioner.

1 Whenever the ~~director~~ commissioner determines that any amount allotted to an area
2 agency for a fiscal year under this section will not be used by such agency for carrying
3 out the purpose for which the allotment was made, ~~he~~ the commissioner shall make such
4 amount available for carrying out such purpose to one or more other area agencies to the
5 extent ~~he~~ the commissioner determines such other area agencies will be able to use such
6 additional amount for carrying out such purpose. Any amount made available to an area
7 agency from an appropriation for a fiscal year pursuant to the preceding sentence ~~shall~~
8 must, for purposes of this section, be regarded as part of such agency's allotment, as
9 determined under the preceding provisions of this section for such year.

10 **Sec. D-7. 22 MRSA §5116, sub-§1, ¶¶B and C**, as enacted by PL 1973, c. 630,
11 §1, are amended to read:

12 B. The ~~State~~ state agency ~~shall~~ must, in accordance with regulations of the ~~director~~
13 commissioner, designate an area agency as the sole area agency to:

14 (1) Develop the area plan to be submitted to the ~~director~~ commissioner for
15 approval under section 5118;

16 (2) Administer the area plan within such area;

17 (3) Be primarily responsible for the coordination of all area activities related to
18 the purposes of this Act; and

19 (4) Review and comment on, under its own initiative or at the request of any
20 state or federal department or agency, any application from any agency or
21 organization within such area to such state or federal department or agency for
22 assistance related to meeting the needs of older persons; and

23 (5) Develop and provide, or assure the provision of, coordinated community
24 programs for the delivery of social services; and

25 C. The area agency designated pursuant to paragraph B shall:

26 (1) Determine which portions of its area will be included in the area plan to be
27 developed in accordance with section 5118; and

28 (2) Provide assurances satisfactory to the ~~director~~ commissioner that the area
29 agency will take into account, in connection with matters of general policy
30 arising in the development and administration of the area plan for any fiscal year,
31 the recommendations of older people in need of or served by social services
32 provided under such plan.

33 **Sec. D-8. 22 MRSA §5118**, as amended by PL 2003, c. 510, Pt. B, §8, is further
34 amended to read:

35 **§5118. Area plans**

36 **1. Plans.** In order to be approved by the state agency, an area plan ~~shall~~ must be
37 developed by the area agency designated with respect to such area under section 5116,
38 subsection 1, paragraph B and ~~shall~~ must:

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A. Provide for the establishment of a coordinated community program for the delivery of social services within the area covered by the plan, including determining the need for social services in such area, taking into consideration, among other things, the number of older persons with low incomes residing in such area, the extent to which existing public or private programs meet such need, evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

B. In accordance with criteria established by the ~~director~~ commissioner by regulation relating to priorities, provide for the initiation, expansion or improvement of social services in the area covered by the area plan;

C. Provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this paragraph, an information and referral source is a location where a public or private agency or organization:

(1) Maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities; and

(2) Employs a specially trained staff to inform older persons of the opportunities and services ~~which~~ that are available, and assists these persons to take advantage of these opportunities and services;

D. Provide that the area agency will:

(1) Conduct periodic evaluations of activities carried out pursuant to the area plan;

(2) Render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

(3) ~~Where~~ When necessary and feasible, enter into arrangements, consistent with the area plan, under which funds under this Title may be used to provide legal services to older persons in the area carried out through federally assisted programs or other public or nonprofit agencies;

(4) Take into account, in connection with matters of general policy arising in the development and administration of the area plan, the recommendations of older people in need of or served by social services provided under such plan;

(5) ~~Where~~ When possible, enter into arrangements with organizations providing children services so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

(6) Establish an advisory council, which may be the board of directors or a subcommittee thereof, of the area agency consisting of at least 65% older people representatives of the target population and the general public, to advise the area

COMMITTEE AMENDMENT

1 agency on all matters relating to the administration of the plan and operations
2 conducted thereunder.

3 E. Provide for the use of such methods of administration as are necessary for the
4 proper and efficient administration of the plan;

5 F. Provide that the area agency will make such reports, in such form and containing
6 such information as the ~~director~~ commissioner may from time to time require, and
7 comply with such requirements as the ~~director~~ commissioner may impose to assure
8 the correctness of these reports;

9 G. Establish objectives consistent with the purposes of this Title; toward which
10 activities under the plan will be directed, identify obstacles to the attainment of those
11 objectives and indicate how it proposes to overcome those obstacles;

12 H. Provide that no social service will be directly provided by the state agency or an
13 area agency, except ~~where~~ when, in the judgment of the state agency, provision of
14 that service by the state agency or an area agency is necessary to assure an adequate
15 supply of that service; and

16 I. Provide that preference ~~shall~~ must be given to persons aged 60 or over for any staff
17 positions, ~~full-time~~ full-time or part-time, in area agencies for which these persons
18 qualify.

19 **2. Approval of area plan.** The ~~director~~ commissioner shall approve any area plan
20 ~~which he~~ that the commissioner finds fulfills the requirements of subsection 1, paragraphs
21 A to I.

22 **3. Notice and opportunity for hearing.** The ~~director shall~~ commissioner may not
23 make a final determination disapproving any area plan, or any modification thereof, or
24 make a final determination that an area agency is ineligible under section 5116, without
25 first affording the area agency reasonable notice and opportunity for a hearing.

26 **4. Findings.** Whenever the director, after reasonable notice and opportunity for
27 hearing to the area agency, finds that:

28 A. The area agency is not eligible under section 5116;

29 B. The area plan has been so changed that it no longer complies with subsection 1,
30 paragraphs A to I; or

31 C. In the administration of the plan, there is a failure to comply substantially with
32 any provision of subsection 1, paragraphs A to I, the ~~director~~ commissioner shall
33 notify the area agency that no further payments from its allotments under section
34 5115 and Section 306 of the federal Older Americans Act of 1965, 42 United States
35 Code, Section 3026 will be made to the agency or, in the ~~director's~~ commissioner's
36 discretion, that further payments to the agency will be limited to projects under or
37 portions of the area plan not affected by the failure, until the ~~director~~ commissioner is
38 satisfied that there will no longer be any failure to comply. Until the ~~director~~
39 commissioner is so satisfied, further payments may not be made to the agency from
40 its allotments under section 5115, or payments may be limited to projects under or
41 portions of the area plan not affected by the failure. The ~~director~~ commissioner shall,
42 in accordance with rules adopted by the ~~director~~ commissioner, disburse funds so

1 withheld directly to any public or nonprofit private organization or agency of the
2 area, submitting an approved plan in accordance with section 5116. Any payment or
3 payments must be matched in the proportions specified in section 5116.

4 **5. Final action; dissatisfaction.** An agency ~~which~~ that is dissatisfied with a final
5 action ~~of the director~~ under subsection 2, 3 or 4 may appeal to the commissioner by filing
6 a petition with the commissioner within 60 days after final action. ~~A copy of the petition~~
7 ~~shall be forthwith transmitted by the commissioner to the director. The director thereupon~~
8 ~~shall file with the commissioner the record of the proceedings on which he based his~~
9 ~~action. Upon the filing of the petition, the commissioner shall have jurisdiction to affirm~~
10 ~~the action of the director or to set it aside, in whole or in part, temporarily or permanently,~~
11 ~~but until the filing of the record the director may modify or set aside his order. The~~
12 ~~findings of the director as to the facts, if supported by substantial evidence, shall be~~
13 ~~conclusive, but the commissioner, for good cause shown, may remand the case to the~~
14 ~~director to take further evidence, and the director may thereupon make new or modified~~
15 ~~findings of fact and may modify his previous action, and shall file with the commissioner~~
16 ~~the record of the further proceedings. The new or modified findings of fact shall likewise~~
17 ~~be conclusive if supported by substantial evidence. The judgment of the commissioner~~
18 ~~affirming or setting aside, in whole or in part, any action of the director shall be is final.~~

19 **Sec. D-9. 28-A MRSA §10, sub-§2-B** is enacted to read:

20 **2-B. Access exception.** Notwithstanding subsection 2, there may be access between
21 the 2 licensed areas by the public as provided by this subsection.

22 A. There may be access between the 2 licensed areas when there is a clear
23 delineation of space, by a wall or permanent barrier that separates the 2 licensed areas
24 and allows only one clearly defined and controlled point of access for patrons
25 between the licensed establishments. The controlled point of access is not required to
26 include a door that must be physically opened and closed.

27 B. When access between the 2 licensed areas exists for patrons of either
28 establishment, all malt liquor and wine sold for on-premises consumption must be
29 served by an employee of the licensed establishment and may be served only when
30 accompanying a full meal prepared in a separate and complete kitchen on the
31 premises. For the purposes of this paragraph, "full meal" means a diversified
32 selection of food that cannot ordinarily be consumed without the use of tableware and
33 cannot be conveniently consumed while standing or walking.

34 C. Malt liquor or wine sold or served on the premises may not be transported by a
35 patron or employee of either establishment from one licensed area to another. The
36 licensee shall ensure that easily readable signs are conspicuously posted to inform the
37 public that transfer of alcoholic beverages from one licensed area to another is strictly
38 prohibited.

39 **Sec. D-10. Retroactivity.** That section of this Part that enacts the Maine Revised
40 Statutes, Title 28-A, section 10, subsection 2-B applies retroactively to September 30,
41 2015.

42 **Sec. D-11. PL 2015, c. 267, Pt. OOOO, §7** is amended to read:

- 1 1. MaineCare benefits suspension for fraud, to require a report if the relevant
2 provisions of the federal Patient Protection and Affordable Care Act are invalidated by
3 the United States Supreme Court;
- 4 2. Public Utilities Commission, to require a report when there are no funds
5 remaining in the Spent Nuclear Fuel Disposal Trust Fund;
- 6 3. Tri-State Lotto, to require a report if the other Tri-State Lotto states have agreed to
7 limit the pool of numbers;
- 8 4. Tri-State Lotto, to require a report if the United States Internal Revenue Service or
9 a court has determined that there are disadvantageous tax implications for prize winners
10 who do not use the periodic payments as collateral;
- 11 5. State tax on net operating revenue of hospitals, to require a report of a
12 determination that the tax is not a permissible health care related tax or that all or part of
13 the hospital payments made from the tax are disapproved hospital reimbursements under
14 the State's Medicaid program;
- 15 6. Finance Authority of Maine, to require a report that the contingency for increased
16 loan insurance has been met; and
- 17 7. Finance Authority of Maine, to require a report that the contingency allowing an
18 increased Economic Recovery Program loan amount has been met.

19 Part D contains changes that are or may be considered substantive. Part D:

- 20 1. Corrects a clerical error that used the term "key employee" when the appropriate
21 term is "key executive" with regard to a person applying for a license from the Gambling
22 Control Board;
- 23 2. Corrects a conflict created by Public Law 2015, chapters 90, 127, 136, 245, 281
24 and 301, which affected the same subsection of law governing hunting licenses,
25 combination licenses and fees, by incorporating the changes made by all 6 laws and
26 corrects an inconsistency created by Public Law 2015, chapter 127, which removed the
27 prohibition against hunting turkey by holders of small game licenses but not against
28 holders of nonresident small game apprenticeship hunter licenses and nonresident 3-day
29 small game hunting licenses. It also corrects a clerical error;
- 30 3. Corrects an inconsistency concerning the specific laws governing disqualifying
31 offenses for an unlicensed assistive person who provides direct access services. The
32 Maine Revised Statutes, Title 22, section 1812-J, subsection 7 provides that an
33 employment ban based on a disqualifying offense for an unlicensed assistive person to
34 provide direct access services is a lifetime ban. Title 22, section 9054 provides a process
35 for an unlicensed assistive person who is banned from employment because of a
36 disqualifying offense to request a waiver. Section 3 of this Part corrects this
37 inconsistency by removing the language in Title 22, section 1812-J, subsection 7 that
38 states that an employment ban based on a disqualifying offense is a lifetime employment
39 ban;
- 40 4. Removes youth camps from a list of facilities exempted from the laws requiring
41 licensure because youth camps are required to be licensed as youth camps, although they
42 are not required to be licensed as lodging places. It also corrects a clerical error;

1 5. Changes the laws of the Department of Health and Human Services regarding
2 elder and adult services to remove references to the Director of the Bureau of Elder and
3 Adult Services, a defunct position, and replaces them with references to the
4 Commissioner of Health and Human Services;

5 6. Restores language concerning a Class A restaurant and off-premises retail licensee
6 on the same premises that was repealed by its own terms before the enactment of the law
7 to eliminate the repeal took effect. Public Law 2015, chapter 162 amended Title 28-A,
8 section 10, subsection 2-A to remove language repealing subsection 2-A on September
9 30, 2015. Public Law 2015, chapter 162 did not take effect until October 15, 2015, after
10 the repeal took effect. Section 9 of Part D enacts Title 28-A, section 10, subsection 2-B
11 to reflect the intent of the Legislature to maintain the provisions of Title 28-A, section 10,
12 subsection 2-A. This was included as section 31 of the bill. Section 10 of Part D makes
13 that enactment apply retroactively to September 30, 2015; and

14 8. Corrects clerical errors in Public Law 2015, chapter 267, Part OOOO, section 7
15 concerning the application date of sales tax exemptions. This was included as section 51
16 of the bill. Section 12 of Part D makes the corrections apply retroactively to June 30,
17 2015, the effective date of Public Law 2015, chapter 267.