

MAINE STATE LEGISLATURE

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R. O. S.

L.D. 648

DATE: June 23, 1995

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JUDICIARY

Reported by: Senator MILLS of Somerset for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A" to S.P. 251, L.D. 648, Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill by inserting after the enacting clause the following:

'PART A'

Further amend the bill by striking out all of sections 5, 15, 36, 39, 41, 46, 47, 53, 54, 55, 56, 58, 62, 73, 74, 79, 80, 87, 88, 96, 103 and 104.

Further amend the bill by inserting after section 114 the following:

'Sec. 115. Retroactivity. That section of this Part that enacts Title 12, section 7106-B applies retroactively to June 30, 1993.'

Further amend the bill by inserting before the emergency clause the following:

'PART B

Sec. B-1. 5 MRSA §943, sub-§1, ¶A, as enacted by PL 1983, c. 729, §4, is repealed.

Sec. B-2. 5 MRSA §1543, 3rd ¶, as amended by PL 1969, c. 186, §1, is further amended to read:

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2 Notwithstanding the foregoing paragraph, the ~~Chairman of the~~
~~Maine--Employment--Security--Commission~~ Commissioner of Labor is
4 authorized to prepare and sign warrants for the payment of
benefits to eligible unemployed persons and allowances to persons
6 eligible ~~therefor~~ under federally sponsored human resources
development programs which that authorize the ~~Maine--Employment~~
~~Security--Commission~~ Department of Labor to designate the
8 recipients of such allowances from federal funds granted or
allocated to the ~~commission~~ department under such these programs,
10 which warrants shall, upon being ~~countersigned by the remaining 2~~
~~members of the commission and~~ delivered to the payee, become a
12 check against a designated bank or trust company acting as a
depository of the State Government. The authority of the ~~chairman~~
14 commissioner to prepare and sign such the warrants is limited
solely to the payment of benefits to eligible unemployed persons
16 and to allowances to persons eligible ~~therefor~~ under the
aforesaid these federal programs. The facsimile ~~signatures~~
18 signature of the ~~chairman of the commission and the remaining 2~~
~~members of the commission~~ commissioner who are ~~is~~ leaving office
20 shall ~~be~~ is valid until a new signature plates plate for the
~~signatures~~ signature authorized have has been obtained for their
22 ~~successors~~ the commissioner's successor.

24 **Sec. B-3. 17 MRSA §331, sub-§6**, as enacted by PL 1987, c. 190,
§3, is amended to read:

26 **6. Raffles with prizes of \$10,000 or less.** Notwithstanding
28 subsection 1, ~~no~~ a license to conduct or operate a raffle as
defined in section 330, subsection 5, in which the holder of the
30 winning chance does not receive something of value worth more
than \$10,000, is not required of the following:

32 A. Any agricultural society eligible for the state stipend
34 under Title 7, section 62, or any bona fide, nonprofit
organization which that is either charitable, educational,
36 political, civic, recreational, fraternal, patriotic or
religious or any auxiliary of such organization;

38 B. Any volunteer police force, fire department or ambulance
40 corps; or

42 C. Any class or organization of an elementary, secondary or
44 post-secondary educational institution operated or
accredited by the State.

46 Any exempt organization, department or class or combination
48 listed in paragraph A, B or C may sponsor, operate and conduct a
raffle without a license only for the exclusive benefit of that
organization, department or class or combination thereof and that
50 raffle shall must be conducted only by duly authorized members of

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2 the sponsoring organization, department or class or combination thereof.

4 **Sec. B-4. 23 MRSA §3031, sub-§3,** as enacted by PL 1987, c. 385, §2, is amended to read:

6
8 **3. Shorter duration of public and private rights; rights of lesser extent.** Notwithstanding subsections 1 and 2, the developer or other person recording a subdivision plan in the registry of deeds may set a shorter duration for the public and private rights established in subsections 1 and 2 than the period provided in those subsections. The developer or other person recording the subdivision plan shall cause the shorter duration to be noted on the face of the subdivision plan.

16 Pursuant to a subdivision review under Title 30 ~~30-A~~, section 4956 chapter 187, subchapter IV, the municipal reviewing authority may set a shorter duration for the public and private rights established in subsections 1 and 2 than the period provided in those subsections. The municipal reviewing authority shall cause the shorter duration to be noted on the face of the subdivision plan.

24 Nothing in this section may be construed to prohibit the developer or other person recording a subdivision plan in the registry of deeds from granting rights of lesser extent than those established in subsections 1 and 2. If rights of lesser extent are granted, the person recording the subdivision plan shall cause the extent of those rights to be described on the face of the subdivision plan and in any conveyance of land shown on the plan.

32
34 **Sec. B-5. 24-A MRSA §2384-B, sub-§10,** as amended by PL 1993, c. 610, §1, is further amended to read:

36 **10. Claims covered.** This section applies to all claims occurring on or after January 1, 1989 and prior to January 1, 1993 and to all death, permanent total and major permanent partial claims occurring between January 1, 1987 and December 31, 1988; and to a reasonable sample, as approved by the superintendent, of all other indemnity claims occurring between January 1, 1987 and December 31, 1988. The superintendent may suspend the reporting requirements of specific items for periods when information that is to be obtained from the ~~Workers' Compensation Commission~~ or Workers' Compensation Board is temporarily unavailable ~~from these entities~~.

48 **Sec. B-6. 32 MRSA §3269, sub-§13,** as amended by PL 1993, c. 600, Pt. A, §202 and c. 659, Pt. B, §14, is repealed.

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2 **Sec. B-7. 32 MRSA §3269, sub-§14**, as amended by PL 1993, c.
600, Pt. A, §202 and c. 659, Pt. B, §15, is repealed and the
4 following enacted in its place:

6 14. Budget. The duty to submit to the Commissioner of
Professional and Financial Regulation its budgetary requirements
in the same manner as is provided in Title 5, section 1665, and
the commissioner shall in turn transmit these requirements to the
Bureau of the Budget without revision, alteration or change,
10 unless alterations are mutually agreed upon by the department and
the board or the board's designee;

12 **Sec. B-8. 32 MRSA §3269**, as amended by PL 1993, c. 659, Pt.
14 B, §§14 and 15, is further amended by adding at the end 2 new
16 paragraphs to read:

18 The Commissioner of Professional and Financial Regulation
acts as a liaison between the board and the Governor.

20 The Commissioner of Professional and Financial Regulation
does not have the authority to exercise or interfere with the
exercise of discretionary, regulatory or licensing authority
granted by statute to the board. The commissioner may require
the board to be accessible to the public for complaints and
questions during regular business hours and to provide any
information the commissioner requires in order to ensure that the
board is operating administratively within the requirements of
28 this chapter.

30 **Sec. B-9. 36 MRSA §1760, sub-§64**, as amended by PL 1993, c.
670, §5, is further amended to read:

32 **64. Schools and school-sponsored organizations.** Sales of
34 tangible personal property and taxable services by public and
private elementary and secondary schools that otherwise qualify
36 as schools under subsection 16, and by student organizations
sponsored by those schools, including booster clubs and student
38 or parent-teacher organizations, as long as the profits from such
sales are used to benefit those schools or student organizations
40 or are used for a charitable purpose.'

42 Further amend the bill by relettering or renumbering any
44 nonconsecutive Part letter or section number to read
consecutively.

46

STATEMENT OF FACT

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4 This amendment deletes several sections of the bill because
the sections fall into one of the following categories.

6 1. Sections 5, 15, 34, 36, 39, 53, 79, 80, 87 and 96 of the
8 original bill are corrected in or conflict with other bills that
have been or may be enacted this session.

10 2. Sections 62 and 73 of the original bill attempt to
12 correct errors by making substantive changes for which the
legislative intent of the committee or committees of
14 jurisdiction, or the Legislature as a whole, has not been
ascertained.

16 3. Sections 41, 54, 58, 74, 75 and 88 of the original bill
18 are struck from the bill to be added in this amendment with
corrections.

20 Part A, section 115 makes section 38 of the bill, which
22 corrects a conflicting enactment regarding pheasant hunting
permits, retroactive to June 30, 1993 to ensure no gap in the law
24 occurs.

26 Part B, section 1 repeals a reference to the Director of the
Maine Job Training Council to reflect the removal of this
28 position when the Job Training Partnership Act was enacted to
replace the Comprehensive Employment Training Act. The Maine Job
30 Training Council was replaced by the Human Resources Development
Council in Public Law 1987, chapter 471. This section was
32 submitted to the Judiciary Committee after the bill was printed.

34 Prior to Public Law 1979, chapter 579, the provision
governing the disbursement of funds from the Unemployment Trust
36 Fund, the Maine Revised Statutes, Title 26, section 1162,
provided that benefit checks must be signed by the chairman of
the Employment Security Commission and countersigned by the
38 remaining 2 members of the commission. Public Law 1979, chapter
651 repealed and replaced Title 26, section 1162, which now
40 requires the checks to be signed by the Commissioner of Labor, or
the commissioner's designee, only. Title 5, section 1543, 3rd
42 paragraph should have been amended at the same time to be
consistent with the authorization provided in Title 26. Part B,
44 section 2 makes that amendment. This section was submitted to
the Judiciary Committee after the bill was printed.

46 Part B, section 3 corrects the headnote printed in the bill
48 as section 41. The headnote as printed in the bill did not
accurately depict that the subsection covers raffles with a prize
50 of \$10,000 or less.

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2 Part B, section 4 correctly strikes through the word
"section" in correcting a cross-reference to subdivision review.
This corrects section 54 of the bill.

4
6 Part B, section 5 corrects a reference to the former
Workers' Compensation Commission by striking it out. This is
appropriate because information once held by the Workers'
8 Compensation Commission is now in the possession of the Workers'
Compensation Board. If information is temporarily unavailable,
10 it is temporarily unavailable from the board, not from the board
and the commission. This is a correction of section 58 of the
12 bill.

14 Part B, sections 6, 7 and 8 correct a formatting error.
Sections 74 and 75 of the bill corrected conflicting enactments
16 within the Board of Licensure in Medicine statutes, but do not
correct the problem created by adding subsections that are not
18 consistent with the lead-in sentence of the subsection.

20 Part B, section 9 corrects section 88 of the bill by
deleting language that is no longer part of current law but that
22 section 88 showed as being struck through.

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