

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1998

Legislative Document

No. 3

S.P. 18

Received by the Secretary, December 21, 1998

An Act to Correct Errors and Inconsistencies in the Laws of Maine.

(EMERGENCY)

Reported by Senator LONGLEY of Waldo for the Revisor of Statutes pursuant to the
Maine Revised Statutes, Title 1, section 94.

Received by the Secretary of the Senate on December 21, 1998. Referred to the Committee
on Judiciary and ordered printed pursuant to Joint Rule 308.2

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

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

4 Whereas, Acts of this and previous Legislatures have
6 resulted in certain technical errors and inconsistencies in the
laws of Maine; and

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

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

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

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

24 **Sec. 1. 4 MRSA §1231, sub-§4,** as enacted by PL 1983, c. 863,
26 Pt. B, §§13 and 45, is amended to read:

28 **4. Oath.** Each trustee shall, within 10 days after the
effective date of this Act and December 1, 1984 or, thereafter,
30 within 10 days after his that trustee's appointment or election,
take an oath of office to faithfully discharge the duties of a
32 trustee, in the form prescribed by the Constitution of Maine.
Such The oath shall must be subscribed to by the trustee making
34 it, certified by the officer before whom it is taken and
immediately filed in the office of the Secretary of State.

36 **Sec. 2. 4 MRSA §1606, sub-§2,** as amended by PL 1997, c. 752,
38 §1 and c. 788, §2, is repealed and the following enacted in its
place:

40 **2. Limitation on securities issued.** The authority may not
42 issue securities in excess of \$83,000,000 outstanding at any one
time, of which no less than \$30,000,000 must be specifically
44 allocated to projects relating to the Judicial Branch, except for
the issuance of revenue refunding securities authorized by
46 section 1610 and securities issued under section 1610-A. The
amount of securities that may be outstanding in the name of the
48 authority may be increased by the Legislature upon a showing by
the authority that its available revenues are sufficient to
50 support additional issuance of securities and that the issuance

2 of securities will not materially impair the credit standing of
4 the authority, the investment status of securities issued by the
6 authority or the ability of the authority to fulfill its
8 commitments to holders of securities. Nothing in this chapter
may be construed to authorize the authority to issue securities
to fund the construction, reconstruction, purchase or acquisition
of facilities without a majority vote of approval in each House
of the Legislature.

10 **Sec. 3. 5 MRSA §298, 2nd ¶**, as enacted by PL 1977, c. 513, §1,
12 is amended to read:

14 The commission shall ~~consist~~ consists of 7 9 members as
16 follows:

18 **Sec. 4. 5 MRSA §1513, sub-§1-H**, as enacted by PL 1997, c. 564,
20 §1, is reallocated to 5 MRSA §1513, sub§1-L.

22 **Sec. 5. 5 MRSA §1583-A**, as amended by PL 1997, c. 643, Pt. Y,
24 §1, is further amended to read:

26 **§1583-A. Creation of positions**

28 Notwithstanding any other provision of law, limited period,
30 project or any other temporary positions may be established by
32 financial order so long as the end date for such positions does
34 not exceed the statutory adjournment date for the next regular
36 session of the Legislature.

38 **Sec. 6. 5 MRSA §1665, sub-§7**, as amended by PL 1997, c. 643,
40 Pt. E, §3 and c. 655, §3, is repealed and the following enacted
42 in its place:

44 **7. General Fund and Highway Fund revenue and expenditure**
46 **forecasts.** By September 30th of each even-numbered year, the
48 State Budget Officer shall prepare and deliver a report to the
Governor, the Legislature and the joint standing committee of the
Legislature having jurisdiction over appropriations and financial
affairs containing a forecast of revenue and expenditures for the
following biennium. The forecast must assume the continuation of
current laws and include reasonable and predictable estimates of
growth in revenues and expenditures based on national and local
trends and program operations. General Fund and Highway Fund
revenue must be forecasted by income source as provided in
chapter 151-B. Expenditure forecasts for the General Fund and
the Highway Fund must be forecasted on the basis of current law
and assumed inflation variables related to program operations.
The forecast for the General Fund and the Highway Fund must be
presented in a budget fund flow statement and a comparative

2 statement showing each income source for revenue projections and
3 expenditure estimates for each major program category.

4 **Sec. 7. Retroactivity.** The section of this Act that amends the
5 Maine Revised Statutes, Title 5, section 1665, subsection 7 is
6 retroactive to April 1, 1998.

8 **Sec. 8. 5 MRSA §1710-E**, as amended by PL 1997, c. 655, §4, is
9 further amended to read:

10 **§1710-E. Revenue Forecasting Committee; established; membership**

11
12 There is established the Revenue Forecasting Committee,
13 referred to in this chapter as the "committee," for the purpose
14 of providing the Governor, the Legislature and the State Budget
15 Officer with analyses, findings and recommendations relating to
16 the projection of revenues for the General Fund and the Highway
17 Fund based on economic assumptions recommended by the Consensus
18 Economic Forecasting Commission. The committee includes the
19 State Budget Officer, the State Tax Assessor, the State Economist
20 and an economist on the faculty of the University of Maine
21 System selected by the chancellor, the Director of the Office of
22 Fiscal and Program Review and an analyst from the Office of
23 Fiscal and Program Review designated by the director of that
24 office. One of the 6 members must be selected by a majority vote
25 of the committee members to serve as the chair of the committee.

26
27 **Sec. 9. 5 MRSA §12004-I, sub-§72**, as enacted by PL 1987, c.
28 786, §5, is repealed.

29 **Sec. 10. 5 MRSA §12004-I, sub-§72-A**, as enacted by PL 1989, c.
30 168, §1, is repealed.

31 **Sec. 11. 5 MRSA §13082, sub-§1, ¶A**, as enacted by PL 1987, c.
32 534, Pt. A, §§17 and 19, is amended to read:

33
34 A. Money in the fund which that is not obligated on the
35 effective date of this Act shall October 1, 1987 must be
36 distributed between the 2 accounts, with 2/3 allocated to
37 the rural account and 1/3 allocated to the urban account.

38
39 **Sec. 12. 5 MRSA §17851, sub-§11**, as amended by PL 1997, c.
40 769, §10, is further amended to read:

41
42 **11. Maine State Prison employees.** Except as provided in
43 section 17851-A, the warden or deputy warden of the Maine State
44 Prison, any officer or employee of the Maine State Prison
45 employed as a guard or in the management of prisoners or any
46 person employed as the supervising officer of those officers or

2 employees or as an advocate at the Maine State Prison qualifies
for a service retirement benefit if that person:

4 A. Was employed in one of those capacities before September
1, 1984 and:

6 (1) Completes 20 years of creditable service in one or
8 more of those capacities; and

10 (2) Retires upon or after reaching the age of 50
12 years; or

14 B. Was employed in one of those capacities after August 31,
1984 and completed 25 years of creditable service in one or
16 more of those capacities.

18 Notwithstanding any other provision in this section, no person in
the employ of the Bangor Pre-Release Center on the effective date
20 of this subsection January 1, 1987 who would have qualified for a
service retirement benefit if the Bangor Pre-Release Center had
remained the administrative responsibility of the Maine State
22 Prison may be denied such a benefit by virtue of the transfer of
that responsibility to the Charleston Correctional Facility.

24 **Sec. 13. 5 MRSA §19203, sub-§7**, as amended by PL 1997, c. 70,
26 §1, is further amended to read:

28 **7. Other agencies.** To employees of, or other persons
designated by, the Department of Corrections, the Department of
30 Human Services and the Department of Mental Health, Mental
Retardation and Substance Abuse Services, to the extent that
32 those employees or other persons are responsible for the
treatment or care of subjects of the test. Those agencies shall
34 adopt rules, within 90 days of the effective date of this
subsection August 4, 1988, pursuant to the Maine Administrative
36 Procedure Act, chapter 375, subchapter II, designating the
persons or classes of persons to whom the test results may be
38 disclosed. The rules of the Department of Corrections must
designate those persons who may receive the results of an HIV
40 test of a county jail inmate;

42 **Sec. 14. 7 MRSA §974-A, sub-§2**, as repealed and replaced by
PL 1987, c. 754, §2, is amended to read:

44 **2. State loan interest rate.** The interest rate for state
46 loans shall be is 5%. Loans current at the effective date of
this subsection shall on April 21, 1988 must be renegotiated to
48 an interest rate of 5%.

2 A fee for administrative costs, which shall must be at a rate set
3 by rule by the commissioner upon consultation with the Potato
4 Marketing Improvement Committee, but ~~which that~~ rate shall may
5 not exceed 1% of the loan, shall must be charged on all loans
6 made for projects, the total cost of which exceeds \$50,000. This
7 fee shall must be deposited in the fund.

8 **Sec. 15. 7 MRSA §1033, sub-§1**, as amended by PL 1989, c. 503,
9 Pt. B, §44, is further amended to read:

10 **1. Board.** The Maine Potato Quality Control Board
11 established by Title 5, section 12004-H, subsection 6, shall
12 ~~consist~~ consists of the following members:

13 **A.** Two representatives elected by the executive council of
14 the ~~dealers~~ dealers' assembly established pursuant to Title
15 36, chapter 710;

16 **B.** Seven representatives of growers of tablestock potatoes,
17 one elected by the assembly of tablestock growers in each of
18 the districts established pursuant to Title 36, section
19 4602, subsection 3;

20 **D.** A representative of the department, appointed by the
21 commissioner; and

22 **E.** A person appointed by the Governor to represent
23 consumers.

24 Members shall must be elected or appointed, as the case may be,
25 within 30 days of ~~the effective date of this section as amended~~
26 September 29, 1987 and shall serve for staggered 2-year terms. In
27 the initial membership, the board shall determine that 5 of its
28 members shall serve for one-year terms. The board shall elect a
29 chair and shall meet at the call of the chair and at the call of
30 the Maine Potato Board. The members shall be are compensated as
31 provided in Title 5, chapter 379.

32 **Sec. 16. 7 MRSA §3907, sub-§30**, as repealed and replaced by PL
33 1997, c. 690, §8 and c. 704, §1, is repealed and the following
34 enacted in its place:

35 **30. Wolf hybrid.** "Wolf hybrid" means a mammal that is the
36 offspring of the reproduction between a species of wild canid or
37 wild canid hybrid and a domestic dog or wild canid hybrid. "Wolf
38 hybrid" includes a mammal that is represented by its owner to be
39 a wolf hybrid, coyote hybrid, coydog or any other kind of wild
40 canid hybrid.

2 Sec. 17. 9 MRSA §3201, as repealed and replaced by PL 1975,
c. 381, §2, is amended to read:

4 **§3201. Loan companies**

6 All corporations chartered and doing business as "loan
7 companies" pursuant to sections 3201 to 3210, as repealed on the
8 effective date of this section, June 2, 1975 are hereby made
9 corporations organized under Title 13-A and such "loan companies"
10 shall be are subject to Title 9-A to the extent that the
11 activities of such these companies are within the provisions of
12 said Title 9-A.

14 Sec. 18. 9-A MRSA §4-403, sub-§5, as enacted by PL 1997, c.
15 315, §8, is amended to read:

16 5. **Insurance consultant.** "Insurance consultant" means a
17 person engaged in the business of an insurance consultant as
18 defined in Title 24-A, section ~~1508~~ 1402, subsection 4, 8 or 11.

20 Sec. 19. 9-A MRSA §4-407, as enacted by PL 1997, c. 315, §8,
21 is amended to read:

24 **§4-407. Rulemaking**

26 The Superintendent of Banking, the Superintendent of
27 Insurance and the Director of the Office of Consumer Credit
28 Regulation may undertake joint rulemaking, pursuant to this
29 section, Title 9-B, section 448, subsection 5 and Title 24-A,
30 section ~~1514-A~~ 1443-A, subsection 5 3 to carry out the purposes
31 of section 4-406, including issues regarding signs, the physical
32 location of sales of insurance and identification of agents and
33 brokers affiliated with financial institutions, credit unions,
34 financial institution holding companies or supervised lenders.
35 In adopting rules pursuant to this Part, the Superintendent of
36 Banking, the Superintendent of Insurance and the Director of the
37 Office of Consumer Credit Regulation shall consider the
38 possibility of confusion and perception of coercion among the
39 insurance consuming public, the need for cost-effective delivery
40 of insurance products to insurance consumers and the importance
41 of parity among agents and brokers affiliated with federally
42 chartered and state-chartered financial institutions and credit
43 unions. Any rule adopted may not interfere significantly with
44 the ability of an agent or broker to solicit or negotiate the
45 sale of an insurance product, whether or not that agent or broker
46 is affiliated with a financial institution, credit union,
47 financial institution holding company or supervised lender,
48 except when no other reasonable alternative exists that protects
49 the insurance consuming public. Rules adopted under this Part
50 are routine technical rules pursuant to Title 5, chapter 375,

2 subchapter II-A. Nothing in this section is intended to restrict
or interfere with the ability of the Bureau of Insurance, the
4 Bureau of Banking or the Office of Consumer Credit Regulation to
adopt rules with respect to areas in which the respective
6 agencies have independent jurisdiction.

8 **Sec. 20. 9-B MRSA §131, sub-§22-D**, as enacted by PL 1997, c.
315, §9, is amended to read:

10 **22-D. Insurance consultant.** "Insurance consultant" means a
12 person engaged in the business of an insurance consultant as
defined in Title 24-A, section ~~1508~~ 1402, subsection 4, 8 or 11.

14 **Sec. 21. 9-B MRSA §161, sub-§2, ¶K**, as amended by PL 1997, c.
16 315, §11; affected by c. 508, Pt. A, §3 and amended by Pt. B, §1,
is repealed and the following enacted in its place:

18 K. The examination or furnishing of any financial records
20 by a fiduciary institution to any officer, employee or agent
of the Treasurer of State for use solely in the exercise of
22 that officer's, employee's or agent's duties under the
~~Uniform-Unclaimed-Property-Act~~, Title 33, chapter 41; or

24 **Sec. 22. 9-B MRSA §448, sub-§2, ¶A**, as enacted by PL 1997, c.
26 315, §17, is amended to read:

28 A. "Affiliate" has the same meaning as defined in Title
24-A, section ~~1514-A~~ 1443-A, subsection 1.

30 **Sec. 23. 9-B MRSA §448, sub-§5**, as enacted by PL 1997, c.
32 315, §17, is amended to read:

34 **5. Rulemaking.** The superintendent, Superintendent of
Insurance and the Director of the Office of Consumer Credit
36 Regulation are authorized, pursuant to this subsection, Title
9-A, section 4-407 and Title 24-A, section ~~1514-A~~ 1443-A,
38 subsection 5 3 to undertake joint rulemaking to carry out the
purpose of subsection 4, including issues regarding signs, the
40 physical location of sales of insurance and identification of
agents and brokers affiliated with financial institutions, credit
42 unions, financial institution holding companies or supervised
lenders. In adopting rules pursuant to this section, the
44 superintendent, the Superintendent of Insurance and the Director
of the Office of Consumer Credit Regulation shall consider the
46 possibility of confusion and perception of coercion among the
insurance consuming public, the need for cost-effective delivery
of insurance products to insurance consumers and the importance
48 of parity among agents and brokers affiliated with federally
chartered and state-chartered financial institutions and credit
50 unions. Any rule adopted may not interfere significantly with

2 the ability of an agent or broker to solicit or negotiate the
3 sale of an insurance product, whether or not that agent or broker
4 is affiliated with a financial institution, credit union,
5 financial institution holding company or supervised lender,
6 except when no other reasonable alternative exists to protect the
7 insurance consuming public. Rules adopted under this section are
8 routine technical rules pursuant to Title 5, chapter 375,
9 subchapter II-A. Nothing in this section is intended to restrict
10 or interfere with the ability of the bureau, the Bureau of
11 Insurance or the Office of Consumer Credit Regulation to adopt
12 rules with respect to areas in which the respective agencies have
independent jurisdiction.

14 **Sec. 24. 12 MRSA §598-A, sub-§2-A, ¶A,** as enacted by PL 1995,
15 c. 502, Pt. E, §17, is amended to read:

16 A. Lands that constitute a state park or historic site as
17 those terms are defined in section 5016 1801;

20 **Sec. 25. 12 MRSA §598-A, sub-§2-A, ¶B,** as enacted by PL 1995,
21 c. 502, Pt. E, §17, is amended to read:

22 B. Lands that constitute the Allagash Wilderness Waterway
23 as defined in chapter 206 220, subchapter VI;

26 **Sec. 26. 12 MRSA §598-A, sub-§2-A, ¶C,** as enacted by PL 1995,
27 c. 502, Pt. E, §17, is amended to read:

28 C. Lands used for public boat facilities under the
29 provisions of Title 38, chapter 1 220, subchapter VIII IX,
30 including launching ramps, locks, parking sites and access
31 roads;

34 **Sec. 27. 12 MRSA §598-A, sub-§2-A, ¶E,** as enacted by PL 1995,
35 c. 502, Pt. E, §17, is amended to read:

36 E. Nonreserved public lands as defined in section 5016
37 1801, subsection 6.

40 **Sec. 28. 12 MRSA §609,** as amended by PL 1997, c. 641, §2, is
41 repealed.

42 **Sec. 29. 12 MRSA §1825, sub-§1,** as enacted by PL 1997, c. 678,
43 §13, is repealed and the following enacted in its place:

44 **1. Maine State Parks and Recreational Facilities**
45 **Development Fund.** The Maine State Parks and Recreational
46 Facilities Development Fund is established within the bureau for
47 the purpose of developing, maintaining and managing state parks

2 and other recreational facilities on lands owned or leased by the
3 bureau.

4 Income from legislative appropriation, gifts, grants, bequests
5 and other sources approved by the Legislature may be deposited
6 into this fund. Any interest earned on money in the fund must
7 also be credited to the fund. The Maine State Parks and
8 Recreational Facilities Development Fund is nonlapsing and all
9 funds are subject to allocation by the Legislature.

10 **Sec. 30. 12 MRSA §7406, sub-§10**, as amended by PL 1997, c.
11 432, §40, is further amended to read:

12 **10. Illegal possession.** A person is guilty of illegal
13 possession of wild animals or wild birds if that person possesses
14 any wild animal or wild bird taken in violation of subsection 4,
15 5, 6, 7, 8, 9 ~~9-A~~, ~~9-B~~, 13, 16 or 17 or Title 17-A, section 402,
16 except as otherwise provided in chapters 701 to 721.

17 **Sec. 31. 12 MRSA §7802, sub-§3**, as enacted by PL 1997, c. 277,
18 §1, is amended to read:

19 **3. Sanctioned water-skiing courses.** The prohibition in
20 subsection 1 does not apply to watercraft towing a water-skier on
21 a water-skiing course for slalom, jump or trick events operated
22 under a permit issued by the commissioner under this subsection.
23 The commissioner may issue a permit for a water-skiing course
24 that is located in whole or in part in the water safety zone if
25 the commissioner determines that:

26 **A.** The course meets the following minimum dimensional
27 requirements:

28 (1) Eight hundred and fifty feet in length, plus 500
29 feet at each end for turning and other maneuvers;

30 (2) Seventy-five feet in width, except that the course
31 must be at least 125 feet in width if a jump is
32 combined with a slalom or trick ski course; and

33 (3) A five-foot water depth throughout the course; and

34 **B.** The applicant has obtained the written permission of any
35 landowner whose property is less than 75 feet from any
36 course buoy.

37 The commissioner may issue a permit under this subsection only if
38 notice of the permit application is given to all municipalities
39 that have jurisdiction over the body of water.

2 All buoys used to mark the water-skiing course must prominently
3 display the permit number. Buoys marking a course may be placed
4 no earlier than April 1st and must be removed no later than
5 November 1st of each year. The number of buoys for any
6 water-skiing course may not exceed 40. Buoys that are part of a
7 permitted course are granted the same legal protection from
8 vandalism as navigational buoys under Title 38, section 329
9 1899-C.

10 Water-skiing tow boats utilizing the course may not travel within
11 100 feet of the shore at any time. The commissioner, after
12 giving a 10-day advance notice to an applicant, may suspend the
13 use of the water-skiing course for up to 3 days for other
14 permitted events, such as bass tournaments.

15 A course permitted under this subsection may be used for practice
16 without a permit under section 7797. That use does not violate
17 the provisions of section 7801, subsection 4. A permit under
18 section 7797 is required for any water-skiing exhibition or
19 tournament conducted at a course permitted under this
20 subsection. The provisions of section 7801, subsection 5 do not
21 apply to a course permitted under this subsection unless that
22 course is also permitted under section 7797.

23 The commissioner may suspend or revoke a permit issued under this
24 subsection if the commissioner determines that the presence of
25 the course creates a safety concern or constitutes a nuisance.

26 The annual fee for a permit issued under this subsection is \$25.

27 This subsection is repealed March 31, 1999.

28 **Sec. 32. 12 MRSA §7825-B**, as enacted by PL 1997, c. 739, §7,
29 is reallocated to 12 MRSA §7825-C.

30 **Sec. 33. 12 MRSA §7827, sub-§26**, as enacted by PL 1997, c.
31 739, §8, is reallocated to 12 MRSA §7827, sub-§27.

32 **Sec. 34. 12 MRSA §7901, sub-§17**, as enacted by PL 1997, c.
33 739, §9, is reallocated to 12 MRSA §7901, sub-§18.

34 **Sec. 35. 15 MRSA §3203-A, sub-§5**, as amended by PL 1997, c.
35 645, §8 and c. 752, §9, is repealed and the following enacted in
36 its place:

37 5. Detention hearing. Upon petition by a juvenile
38 caseworker who ordered the detention or an attorney for the State
39 who ordered the detention, the Juvenile Court shall review the
40 decision to detain a juvenile within 48 hours following the
41 detention, excluding Saturday, Sunday and legal holidays.

2 A. A detention hearing must precede and must be separate
4 from a bind-over or adjudicatory hearing. Evidence
6 presented at a detention hearing may include testimony,
 affidavits and other reliable hearsay evidence as permitted
 by the court and may be considered in making any
 determination in that hearing.

8
10 B. Following a detention hearing, a court shall order a
 juvenile's release, in accordance with subsection 4, unless
12 it finds, by a preponderance of the evidence, that continued
 detention is necessary to meet one of the purposes of
14 detention provided in that subsection. The Juvenile Court
 shall ensure, by appropriate order, that any such continued
16 detention is otherwise in accordance with the requirements
 of subsection 4.

18 C. Continued detention may not be ordered unless the
 Juvenile Court determines that there is probable cause to
20 believe that the juvenile has committed a juvenile crime.

22 Sec. 36. 17-A MRSA §15, sub-§1, ¶A, as repealed and replaced
 by PL 1997, c. 393, Pt. A, §17 and c. 464, §3, is repealed and
24 the following enacted in its place:

26 A. Any person who the officer has probable cause to believe
 has committed or is committing:

28 (1) Murder;

30 (2) Any Class A, Class B or Class C crime;

32 (3) Assault while hunting;

34 (4) Any offense defined in chapter 45;

36 (5) Assault, criminal threatening, terrorizing or
38 stalking, if the officer reasonably believes that the
 person may cause injury to others unless immediately
40 arrested;

42 (5-A) Assault or reckless conduct if the officer
 reasonably believes that the person and the victim are
44 family or household members, as defined in Title 15,
 section 321;

46 (6) Theft as defined in section 357, when the value of
48 the services is \$2,000 or less if the officer
 reasonably believes that the person will not be
50 apprehended unless immediately arrested;

- 2 (7) Forgery, if the officer reasonably believes that
4 the person will not be apprehended unless immediately
 arrested;
- 6 (8) Negotiating a worthless instrument if the officer
 reasonably believes that the person will not be
8 apprehended unless immediately arrested;
- 10 (9) A violation of a condition of probation when
 requested by a probation officer or juvenile caseworker;
- 12 (10) Violation of a condition of release in violation
14 of Title 15, section 1026, subsection 3; Title 15,
 section 1027, subsection 3; Title 15, section 1051,
16 subsection 2; and Title 15, section 1092;
- 18 (11) Theft involving a detention under Title 17,
 section 3521;
- 20 (12) Harassment, as set forth in section 506-A;
- 22 (13) Violation of a protection order, as specified in
24 Title 5, section 4659, subsection 2; Title 15, section
 321, subsection 6; Title 19, section 769, subsection 2;
26 and Title 19, section 770, subsection 5; or
- 28 (14) A violation of a sex offender registration
 provision under Title 34-A, chapter 11 or 13; and

30 **Sec. 37. 20-A MRSA §15603, sub-§22, ¶E, as amended by PL 1989,**
32 **c. 600, Pt. B, §2, is further amended to read:**

34 E. The cost of tuition, books, fees and transportation for
36 courses taken at ~~post-seeondary~~ postsecondary institutions
 under chapter 208 208-A;

38 **Sec. 38. 22 MRSA §2383-B, sub-§1, as amended by PL 1995, c.**
40 **499, §3, and affected by 5, is further amended to read:**

42 **1. Lawfully prescribed drugs.** Subject to the additional
44 restrictions contained in subsection 4, if applicable, a A person
46 to whom or for whose use any scheduled drug, prescription drug or
48 controlled substance has been prescribed, sold or dispensed for a
50 legitimate medical purpose by a physician, dentist, podiatrist,
 pharmacist or other person acting in the usual course of
 professional practice and authorized by law or rule to do so and
 the owner or the person having the custody or control of any
 animal for which any scheduled drug, prescription drug or
 controlled substance has been prescribed, sold or dispensed for a

2 legitimate veterinary medical purpose by a licensed veterinarian
3 acting in the usual course of professional veterinary practice
4 may lawfully possess the drug or substance, except when in use,
5 only in the container in which it was delivered by the person
6 selling or dispensing the drug or substance.

7 **Sec. 39. 22 MRSA §2648, first ¶**, as amended by PL 1997, c. 739,
8 §11, is further amended to read:

10 Any water utility or municipality is authorized, after
11 consultation with the Commissioner of Inland Fisheries and
12 Wildlife, the department and the Department of Conservation and
13 after conducting a public hearing in the affected town, to
14 designate by buoys in water or markers on the ice in an area on a
15 lake or pond from which water is taken, with a radius commencing
16 at its point of intake. The radius may not exceed 400 feet and
17 within that area a person may not anchor or moor a boat or carry
18 on ice fishing or carry on any other activity designated by the
19 water utility or municipality when such restriction is necessary
20 to comply with primary or secondary drinking water regulations
21 applicable to public water systems. Any such buoys placed in the
22 water must be plainly marked as required by the Director of the
23 Bureau of Parks and Lands under Title 38 12, section 323 1894.
24 Any person violating this section must, on conviction, be
25 penalized in accordance with Title 30-A, section 4452.

26 **Sec. 40. 24-A MRSA §1493, sub-§5, ¶B**, as enacted by PL 1997,
27 c. 573, §1 and affected by §2, is amended to read:

30 B. The application for registration must include the name
31 and address of the insurer with whom the producer has an
32 appointment pursuant to section ~~1431~~ 1441-A and with whom
33 the producer has a written contract pursuant to section
34 1494, a statement of the duties that the producer is
35 expected to perform on behalf of the insurer, the lines of
36 insurance for which the producer is to be authorized to act
37 and any other information the superintendent requests.

38 **Sec. 41. Retroactivity.** The section of this Act that amends
39 the Maine Revised Statutes, Title 24-A, section 1493, subsection
40 5, paragraph B is retroactive to October 1, 1997.

41 **Sec. 42. 24-A MRSA §2168, sub-§1-A**, as enacted by PL 1997, c.
42 315, §22, is amended to read:

43 **1-A. Prohibition against unreasonable burdens.** A creditor
44 or lender may not, in connection with the extension of credit,
45 interfere with the free choice of a borrower or purchaser under
46 subsection 1 by imposing any unreasonable time or burden on an
47 insurance agent or broker not affiliated with the lender or
48 insurance agent or broker not affiliated with the lender or
49 insurance agent or broker not affiliated with the lender or
50 insurance agent or broker not affiliated with the lender or

2 creditor that is not also imposed on an insurance agent or broker
3 who is affiliated with the lender or creditor. "Affiliate" has
4 the same meaning as set forth in section ~~1514-A 1443-A~~,
5 subsection 1, paragraph A with respect to financial institutions
6 and credit unions and in Title 9-A, section 4-403, with respect
7 to supervised lenders.

8 **Sec. 43. 24-A MRSA §2168-B, last ¶**, as enacted by PL 1997, c.
9 315, §25, is amended to read:

10 "Affiliate" has the same meaning as set forth in section
11 ~~1514-A 1443-A~~, subsection 1, paragraph A with respect to
12 financial institutions and credit unions and in Title 9-A,
13 section 4-403 with respect to supervised lenders.

14 **Sec. 44. 24-A MRSA §2169, first ¶**, as amended by PL 1997, c.
15 315, §26, is further amended to read:

16 The creditor or lender at the time of application for the
17 loan or at the outset of negotiations regarding the loan or sale
18 shall inform the purchaser or borrower of that person's right of
19 free choice in the selection of the agent and insurer through or
20 by which the insurance in connection with the loan is to be
21 placed, including the right to choose an agent or broker whether
22 or not that agent or broker is affiliated with a creditor or
23 lender. For purposes of this section, "affiliated" has the same
24 meaning as set forth in section ~~1514-A 1443-A~~, subsection 1,
25 paragraph A, with respect to financial institutions and credit
26 unions or in Title 9-A, section ~~1-403 4-403~~ with respect to
27 supervised lenders. In conjunction with this notice, a creditor
28 or lender shall inform its purchasers or borrowers that obtaining
29 insurance products from a particular agent or broker does not
30 affect credit decisions by the creditor or lender regarding the
31 purchaser or borrower, unless the insurance product selected
32 violates the terms of the extension of credit regarding adequacy
33 of coverage or is otherwise not approved under section 2168,
34 subsection 2. Another person may not interfere either directly
35 or indirectly with the borrower's, debtor's or purchaser's free
36 choice of an agent and of an insurer that complies with the
37 requirements set out in section 2168 and the creditor or lender
38 may not refuse an adequate policy so tendered by the borrower,
39 debtor or purchaser. A creditor or lender may not reject an
40 insurance product selected by a purchaser or borrower because the
41 product was not obtained from or through an insurance agent or
42 broker affiliated with the institution. For purposes of this
43 section, the term "policy" includes, but is not limited to, any
44 temporary contract or binder, by whatever name known, under the
45 terms of which insurance coverage commences at a specified time,
46 and continues until a finished policy is issued or the risk is
47 declined and coverage is terminated. Upon notice of any refusal
48
49
50

2 of this tendered policy, the superintendent shall order the
3 creditor or lender to accept the tendered policy, if the
4 superintendent determines that the refusal is not in accordance
5 with the requirements set out in section 2168. Failure to comply
6 with such an order of the superintendent is a violation of this
7 section.

8 **Sec. 45. 24-A MRSA §2169-A, sub-§1**, as enacted by PL 1997, c.
9 315, §27, is amended to read:

10 **1. Prohibited use of information.** If a lender or creditor
11 requires a purchaser or borrower to provide insurance information
12 in connection with the extension of credit, an insurance agent or
13 broker affiliated with that lender or creditor may not later use
14 the information obtained to solicit or offer insurance directly
15 to the purchaser or borrower. "Insurance information" means
16 copies of insurance policies, binders, rates and expiration dates
17 not otherwise in the possession of the agent or broker.
18 "Affiliate" has the same meaning as set forth in section ~~1514-A~~
19 1443-A, subsection 1, paragraph A with respect to financial
20 institutions and credit unions or in Title 9-A, section 4-403
21 with respect to supervised lenders.

22 **Sec. 46. 26 MRSA §843, sub-§3, ¶A**, as enacted by PL 1987, c.
23 661, is amended to read:

24 **A.** Any person, sole proprietorship, partnership,
25 corporation, association or other business entity that
26 employs ~~25~~ 15 or more employees at one location in this
27 State;

28 **Sec. 47. 29-A MRSA §1304, sub-§1, ¶E**, as amended by PL 1997,
29 c. 737, §3 and c. 776, §36, is repealed and the following enacted
30 in its place:

31 E. Unless the permittee is operating a motorcycle or
32 motor-driven cycle, the permit requires the permittee to be
33 accompanied by a licensed operator who:

34 (1) Has held a valid license for 2 consecutive years;

35 (2) Is at least 20 years of age;

36 (3) Is occupying a seat beside the driver; and

37 (4) Is licensed to operate the class vehicle operated
38 by the permittee.

2 The accompanying operator must adhere to all restrictions
3 applied to the license when functioning as the permittee's
4 accompanying operator.

6 **Sec. 48. 30-A MRSA §1658, 2nd ¶**, as enacted by PL 1989, c.
7 321, §1, is amended to read:

8 The county commissioners may purchase, lease, contract or
9 enter into agreements for the use of facilities to house minimum
10 security prisoners who have been sentenced to the county jail.
11 These prisoners must be involved in restitution, work or
12 educational release, or rehabilitative programs. The funds to
13 purchase, lease or contract for these facilities and to provide
14 any programs in these facilities may be taken from the funds
15 received by the counties pursuant to Title 34-A, section ~~1210~~
16 1210-A. Any facilities used to house prisoners pursuant to the
17 authority granted by this section shall be are subject to
18 standards established by the Department of Corrections pursuant
19 to Title 34-A, section 1208-A.

20 **Sec. 49. 30-A MRSA §3009, sub-§1, ¶D**, as amended by PL 1997,
21 c. 673, §3, is further amended to read:

22 D. The following provisions apply to the establishment and
23 policing of parking spaces for handicapped persons.

24 (1) Municipal public parking areas are subject to any
25 applicable requirements of the Maine Human Rights Act,
26 Title 5, chapter 337, subchapter V. The municipality
27 shall post a sign adjacent to and visible from each
28 handicapped parking space established by the
29 municipality. The sign must display the international
30 symbol for accessibility.

31 (2-A) Enforcement of handicapped parking restrictions
32 must be in accordance with Title 29-A, section 521,
33 subsection ~~11~~ 9-A.

34 (3) Any vehicle or motorcycle parked in a parking
35 space clearly marked as a handicapped parking space and
36 that does not bear a special registration plate or
37 placard issued under Title 29-A, section 521 or 523, or
38 a similar plate issued by another state, must be cited
39 for a forfeiture of not less than \$100. "Clearly
40 marked" includes painted signs on pavement and vertical
41 standing signs that are visible in existing weather
42 conditions.

2 **Sec. 50. 30-A MRSA §4452, sub-§5, ¶P**, as enacted by PL 1989,
c. 104, Pt. A, §45 and Pt. C, §10 and amended by c. 287, §3, is
4 further amended to read:

6 P. Waste water~~er~~ Wastewater discharge licenses issued
pursuant to Title 38, section 413~~7~~, ~~sub-section-8~~ 353-B;

8 **Sec. 51. 36 MRSA §112, sub-§1**, as amended by PL 1997, c. 495,
§3 and c. 526, §7, is repealed and the following enacted in its
10 place:

12 **1. General powers and duties.** The assessor shall
14 administer and enforce the tax laws enacted under this Title and
under Title 29-A, and may adopt rules and require such
16 information to be reported as necessary. The assessor may
investigate, enforce and prosecute activities defined as crimes
18 in this Title and in Title 17-A, sections 358, 751 and 903. The
assessor shall provide, at the time of issuance, to one or more
20 entities that publish a monthly state tax service all rules,
bulletins, taxpayer notices or alerts, notices of rulemaking, any
22 other taxpayer information issued by the assessor, and all
substantive amendments or modifications of the same, for
24 publication by that entity or entities. When a significant
change has occurred in bureau policy or practice or in the
26 interpretation by the bureau of any law, rule or instruction
bulletin, the assessor shall, within 60 days of the change,
28 provide to the same publishing entity or entities written notice,
suitable for publication, of the change.

30 **Sec. 52. 36 MRSA §112, sub-§2**, as amended by PL 1997, c. 459,
§4 and c. 526, §7, is repealed and the following enacted in its
32 place:

34 **2. Organization.** The assessor may employ deputies,
36 assistants and employees as necessary, subject to the Civil
Service Law unless otherwise provided, and distribute the duties
38 given to the assessor or to the bureau among those persons or
divisions in that bureau the assessor considers necessary for
40 economy and efficiency in administration. An officer within each
division of the bureau must be designated by the assessor as
42 director of that division. Notwithstanding any other laws, the
Director of Econometric Research serves at the pleasure of the
44 assessor. The assessor, for enforcement and administrative
purposes, may divide the State into a reasonable number of
46 districts in which branch offices may be maintained.

48 **Sec. 53. 36 MRSA §112, sub-§4**, as amended by PL 1997, c. 495,
§4 and c. 526, §7, is repealed and the following enacted in its
50 place:

2 4. Examination of records and premises. Whenever necessary
3 to the administration of this Title, the assessor may make, or
4 cause to be made by an employee, an examination or investigation
5 of the place of business, books and other documents and any other
6 relevant personal property of any person who the assessor has
7 reason to believe is liable for any tax imposed by this Title.
8 The assessor may also examine the books and records of a payroll
9 processor, as defined in Title 10, section 1495, and client books
10 and records in the possession of a payroll processor.

11 At the conclusion of an audit, the assessor or an agent shall
12 conduct an audit conference with the taxpayer and shall give the
13 taxpayer a written summary of the audit findings, including the
14 legal basis for the audit findings and adjustments, along with
15 copies of relevant bureau audit workpapers.

16 **Sec. 54. 36 MRSA §2903-A, as amended by PL 1989, c. 240, §1**
17 **and PL 1995, c. 502, Pt. E, §30, is further amended to read:**

18 **§2903-A. Finding of fact**

19 **The Legislature makes a finding of fact that the percentage**
20 **relationship of "gasoline tax" paid by that segment of the**
21 **nonhighway gasoline user, the motorboat user, is not less than**
22 **2.00% of the total "gasoline tax" revenue. Based on this**
23 **legislative "finding of fact", there is set aside 2.00% of the**
24 **total excise tax, not to exceed \$2,000,000, on internal**
25 **combustion engine fuel sold or used within the State, but not**
26 **including internal combustion engine fuel sold for use in the**
27 **propulsion of aircraft. From this 2.00% allocation shall be is**
28 **deducted the refunds paid out under section 2908 to purchasers**
29 **and users of internal combustion engine fuel for commercial**
30 **motorboats; 20% of the balance of 2.00% after paying out such**
31 **refunds shall must be paid to the Treasurer of State to be made**
32 **available to the Commissioner of Marine Resources for the purpose**
33 **of conducting research, development and propagation activities by**
34 **the department, and it is the responsibility of the Commissioner**
35 **of Marine Resources to select activities and projects that will**
36 **be most beneficial to the commercial fisheries of the State as**
37 **well as the development of sports fisheries activities in the**
38 **State; the remaining 80% of the balance of 2.00% after paying out**
39 **such refunds shall must be credited to the Boating Facilities**
40 **Fund, established under Title 38 12, section 322 1896, within the**
41 **Maine State Bureau of Parks and Lands. The State Tax Assessor**
42 **shall certify to the State Controller, on or before the 15th day**
43 **of each month, the amounts to be credited under the previous**
44 **sentence, as of the close of the State Controller's records for**
45 **the previous month. When refunds paid to purchasers and users of**
46 **internal combustion engine fuel for commercial motorboats in any**
47 **month exceed 2.00% of gasoline tax revenues for that month, such**
48 **month exceed 2.00% of gasoline tax revenues for that month, such**
49 **month exceed 2.00% of gasoline tax revenues for that month, such**
50 **month exceed 2.00% of gasoline tax revenues for that month, such**

2 excess shall must be carried forward in computing amounts to be
3 credited to the Department of Marine Resources and to the Boating
4 Facilities Fund under this section for the succeeding month or
5 months. Funds credited to the Department of Marine Resources
6 shall must be allocated by the joint standing committee of the
7 Legislature having jurisdiction over appropriations and financial
8 affairs. The Bureau of Parks and Lands, the Department of Marine
9 Resources, the Department of Inland Fisheries and Wildlife and
10 the Department of Transportation shall devise and agree to a
11 system for determining the percentage of the gasoline tax and
12 special fuels tax that results from fuel purchases for boating
13 uses and whether those uses are for pleasure or commerce and for
14 salt or ~~fresh water~~ freshwater boating. The Bureau of Parks and
15 Lands shall ~~assure~~ ensure that proper records are kept to provide
16 input for this system. Beginning February 1, 1991, and every 3
17 years thereafter on February 1st, the Bureau of Parks and Lands
18 shall issue to the joint standing committee of the Legislature
19 having jurisdiction over taxation matters a report based on an
20 analysis of data according to this section. The Boating
21 Facilities Fund shall must be used to fund the costs of this
22 activity.

23 **Sec. 55. 36 MRSA §6758, sub-§2, as amended by PL 1997, c. 668,**
24 **§41 and c. 766, §5, is repealed and the following enacted in its**
25 **place:**

26 **2. Determination by assessor. On or before June 30th of**
27 **each year, the assessor shall determine the employment tax**
28 **increment of each qualified business for the preceding calendar**
29 **year. A qualified business may receive up to 75% of the**
30 **employment tax increment generated by that business as determined**
31 **by the assessor, subject to the further limitations in section**
32 **6754, subsection 2. That amount is referred to as "retained**
33 **employment tax increment revenues."**

34 **Sec. 56. 36 MRSA §6855, as enacted by PL 1997, c. 449, §1,**
35 **is amended to read:**

36 **§6855. Land**

37 **1. Public benefit.** The Legislature, recognizing that the
38 submerged and intertidal lands as those terms are defined in
39 Title 12, chapters 202 and 202-A and 220, respectively, are owned
40 by the State for the benefit of the public and are impressed with
41 a public trust and having considered all factors relevant to that
42 public trust and the impact that conveying or leasing the
43 submerged and intertidal land described in this subsection to a
44 certified applicant would have on the public trust and the
45 benefits to the State and its people from the conveyance or
46 lease, finds that a conveyance or lease to a certified applicant

2 of all or any part of the State's right, title and interest in
and to no more than 15 acres of submerged and intertidal lands
4 owned by the State, and located on the westerly side of the
Kennebec River between the southerly side of the Carlton Bridge
6 and a point 2 miles southerly of the Carlton Bridge, in order to
construct, improve, modernize or expand a shipbuilding facility,
8 is necessary to ensure the long-term survival of the shipbuilding
industry in this State, to preserve numerous opportunities for
10 jobs for the people of this State, to make the State more
competitive in the shipbuilding industry and thus to ensure the
12 preservation and betterment of the economy of the State for the
benefit of its people and the Legislature further finds that the
14 grant or lease will benefit a class of persons much greater than
the certified applicant and that the impact, if any, on the
16 public trust in what remains would be minimal and that the
foregoing benefits to the State and its people resulting from the
conveyance or lease far exceed any impact on the public trust in
18 submerged and intertidal lands.

20 **2. Conveyance by State.** The State is authorized to lease
to a certified applicant for a period of up to 5 years or until a
22 qualified investment of \$150,000,000 is made, whichever is
sooner, all or any part of the State's right, title and interest
24 in the submerged and intertidal lands not exceeding 15 acres
located as described in subsection 1 as necessary or convenient
26 for the certified applicant to construct, improve, modernize or
expand a shipbuilding facility. At the end of the lease period,
28 the State is authorized to convey to a certified applicant the
same property that was leased. The conveyance must be made for
30 consideration equal to the fair market value of submerged lands
at the time of conveyance. The provisions of Title 12, chapters
32 202 and 202-A and 220 do not apply to any conveyance or lease.
Failure on the part of the certified applicant to purchase any
34 submerged or intertidal lands under this subsection does not
relieve the certified applicant of liability for violation of any
36 state or federal environmental laws or regulations or local
ordinances affecting submerged or intertidal lands during the
38 lease period.

40 **Sec. 57. 38 MRSA §342, sub-§7,** as amended by PL 1997, c. 296,
§10, is further amended to read:

42
44 **7. Representation in court.** The commissioner may authorize
certified employees of the department to serve civil process and
represent the department in District Court in the prosecution of
46 violations of those laws enforced by the department and set forth
in Title 4, section 152, subsection 6 6-A. Certification of
48 these employees must be provided as under Title 30-A, section
50 4453.

2 **Sec. 58.** 38 MRSA §347-A, sub-§2, as enacted by PL 1989, c.
311, §4 and as amended by c. 890, Pt. A, §3 and affected by §40,
is further amended to read:

4
6 **2. Hearings.** The commissioner shall give at least 30 days'
written notice to the alleged violator of the date, time and
8 place of any hearing held pursuant to subsection 1, paragraph C
A, subparagraph (3). The notice shall must specify the act or
omission which is claimed to be in violation of law or regulation.

10
12 Any hearing conducted under the authority of this subsection
shall must be in accordance with the provisions of the Maine
14 Administrative Procedure Act, Title 5, chapter 375, subchapter
16 IV. At the hearing, the alleged violator may appear in person or
by attorney and answer the allegations of violation and file a
18 statement of the facts, including the methods, practices and
procedures, if any, adopted or used by that person to comply with
this chapter and present such evidence as may be pertinent and
relevant to the alleged violation.

20
22 After hearing, or in the event of a failure of the alleged
violator to appear on the date set for a hearing, the
24 commissioner shall, as soon as practicable, make findings of fact
based on the record and, if the commissioner finds that a
violation exists, shall issue an order aimed at ending the
26 violation. The person to whom an order is directed shall
immediately comply with the terms of that order.

28
30 **Sec. 59.** PL 1997, c. 641, §4 is amended to read:

32 **Sec. 4. Use of revenues.** Revenues from the extraction of
groundwater authorized by this Act must be deposited into the
34 Maine State Parks and Recreational Facilities Development Fund
established by the Maine Revised Statutes, Title 12, section 609
or its successor provision, Title 12, section 1825, subsection 1.

36
38 **Sec. 60.** Resolve 1997, c. 117, §1, sub-§6 is amended to read:

40 **6. Report.** The commission shall submit a report, together
with any necessary implementing legislation, to the First Regular
42 Session of the 120th Legislature by December 15, 2001 2000.

44 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.
46

48 **SUMMARY**

2 Section 1 supplies the appropriate calendar date for a
reference to the effective date of a provision of law, makes
grammatical changes and changes gender-specific language.

4
6 Section 2 corrects a conflict created by Public Law 1997,
chapters 752 and 788, which affected the same provision of law.
Public Law 1997, chapter 752 added a cross-reference to
8 specifically permit the issuance of bonds for correctional
facilities and chapter 788 increased the bonding authority of the
10 Maine Governmental Facilities Authorities and changed the
necessary vote of approval of the Legislature from a 2/3 vote to
12 a majority vote. This section incorporates the changes made by
both laws.

14
16 Section 3 corrects the stated number of members of a
commission to reflect the total number described. It also makes
a grammatical change.

18
20 Section 4 corrects a numbering conflict created by Public
Law 1997, chapters 563 and 564, which enacted 2 substantively
different provisions with the same number.

22
24 Section 5 replaces a comma that was removed in error when
this provision of law was last amended.

26
28 Sections 6 and 7 correct a conflict created by Public Law
1997, chapters 643 and 655, which affected the same provision of
law. Chapter 643 changed the reporting date of the State Budget
Officer and chapter 655 clarified an internal cross-reference.
30 The conflict is corrected by incorporating the changes made by
both laws. This correction is retroactive to April 1, 1998, the
32 effective date of Public Law 1997, chapter 643.

34
36 Section 8 corrects an error in mechanics by removing an
"and" and replacing it with a comma so that it is clearly
understood that the economist from the University of Maine System
is selected only by the chancellor.

38
40 Sections 9 and 10 correct a cross-reference by repealing the
2 subsections that make reference to Title 24-A, section 1525,
which was repealed by Public Law 1997, chapter 457, section 27.

42
44 Section 11 supplies the appropriate calendar date for a
reference to the effective date of a provision of law and also
corrects grammatical errors.

46
48 Section 12 supplies the appropriate calendar date for a
reference to the effective date of a provision of law.

2 Section 13 supplies the appropriate calendar date for a
reference to the effective date of a provision of law and makes a
grammatical change.

4

6 Section 14 supplies the appropriate calendar date for a
reference to the effective date of a provision of law and
corrects grammatical errors.

8

10 Section 15 supplies the appropriate calendar date for a
reference to the effective date of a provision of law and
corrects grammatical errors.

12

14 Section 16 corrects an error that was created when Public
Law 1997, chapters 690 and 704 repealed and replaced the same
subsection. The 2 chapters used identical language except
16 chapter 704 misspelled the word "coydog." This section repeals
the chapter 704 version and replaces it with the chapter 690
18 version.

20 Section 17 supplies the appropriate calendar date for a
reference to the effective date of a provision of law and makes
22 grammatical changes.

24 Section 18 corrects a cross-reference.

26 Section 19 corrects a cross-reference.

28 Section 20 corrects a cross-reference.

30 Section 21 corrects a conflict created by Public Law 1997,
chapters 315 and 508, which affected the same provision of law.
32 Chapter 508 corrected a cite to another law, and chapter 315 made
technical changes necessitated by the enactment of a new
34 paragraph in the subsection. This section corrects the conflict
by incorporating the changes made by both laws.

36

Section 22 corrects a cross-reference.

38

Section 23 corrects a cross-reference.

40

Section 24 corrects a cross-reference.

42

Section 25 corrects a cross-reference.

44

Section 26 corrects a cross-reference.

46

Section 27 corrects a cross-reference.

48

50 Sections 28 and 29 correct a conflict created by Public Law
1997, chapters 641 and 678. Chapter 641 made substantive changes

2 to a provision of law. Chapter 678 repealed the provision and
created section 1825, subsection 1, which incorporated the
4 language of section 609. These sections correct that conflict by
repealing section 609 and repealing and replacing section 1825,
6 subsection 1 to incorporate the changes made by chapter 641 into
the new provision of law.

8 Section 30 corrects a cross-reference.

10 Section 31 corrects a cross-reference.

12 Section 32 corrects a numbering conflict created by Public
Law 1997, chapters 614 and 739, which enacted 2 substantively
14 different provisions with the same section number.

16 Section 33 corrects a numbering conflict created by Public
Law 1997, chapters 614 and 739, which enacted 2 substantively
18 different provisions with the same subsection number.

20 Section 34 corrects a numbering conflict created by Public
Law 1997, chapters 614 and 739, which enacted 2 substantively
22 different provisions with the same subsection number.

24 Section 35 corrects a conflict created by Public Law 1997,
chapters 645 and 752, which affected the same provision of law.
26 Chapter 645 changed the time frame when juvenile detention
hearings must be reviewed and chapter 752 made unrelated
28 substantive changes. This section corrects the conflict by
incorporating the changes made by both laws.

30 Section 36 corrects a conflict created by Public Law 1997,
32 chapters 393 and 464, which affected the same provision of law.
Chapter 393 resolved a conflict, and chapter 464 resolved the
34 same conflict and made a substantive change. This section
repeals the provision and replaces it with the chapter 464
36 version.

38 Section 37 corrects a cross-reference and grammatical error.

40 Section 38 corrects a cross-reference.

42 Section 39 corrects a cross-reference.

44 Sections 40 and 41 correct a cross-reference. This
correction is retroactive to October 1, 1997.

46 Section 42 corrects a cross-reference.

48 Section 43 corrects a cross-reference.

50

2 Section 44 corrects cross-references.

4 Section 45 corrects a cross-reference.

6 Section 46 corrects an error in a definition section by
8 striking out the number "25" and replacing it with the number
10 "15." Public Law 1997, chapter 515 amended section 844 to make
12 family medical leave entitlement apply to employees employed at
14 sites with fewer than 15 employees but failed to amend the
16 definition of "employer" in section 843 to make the parallel
18 change. This section amends section 843 to make it consistent
20 with section 844.

22 Section 47 corrects a conflict created by Public Law 1997,
24 chapters 737 and 776, which substantively affected the same
26 provision of law, by incorporating the changes made by both laws.

28 Section 48 corrects a cross-reference and grammatical error.

30 Section 49 corrects a cross-reference.

32 Section 50 corrects a cross-reference and grammatical error.

34 Section 51 corrects a conflict created by Public Law 1997,
36 chapters 495 and 526. Public Law 1997, chapter 495 adds language
38 specifying the assessor's authority and chapter 526 changes
40 references of the "Bureau of Taxation" to "bureau." The conflict
42 was corrected by combining changes made by both chaptered laws.

44 Section 52 corrects a conflict created by Public Law 1997,
46 chapters 459 and 526. Public Law 1997, chapter 459 makes
48 technical changes and specifies that the Director of Econometric
50 Research serves at the pleasure of the assessor and chapter 526
makes technical changes. The conflict was corrected by combining
changes made by both chaptered laws.

 Section 53 corrects a conflict created by Public Law 1997,
chapters 495 and 526. Public Law 1997, chapter 495 adds language
specifying the assessor's authority and chapter 526 changes
references of the "Bureau of Taxation" to "bureau." The conflict
was corrected by combining changes made by both chaptered laws.

 Section 54 corrects a cross-reference and grammatical errors.

 Section 55 corrects a conflict created by Public Law 1997,
chapters 668 and 766, which affected the same provision of law.
Chapter 668 corrected a cross-reference and chapter 766 increased
the percentage of the employment tax increment a qualified
business may receive. This section incorporates the changes made
by both laws.

2 Section 56 corrects 2 cross-references.
4 Section 57 corrects a cross-reference.
6 Section 58 corrects 2 cross-references and grammatical
errors.
8 Section 59 corrects a cross-reference.
10
12 Section 60 corrects a reporting date for a report to be
submitted to the First Regular Session of the 120th Legislature.